

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

Crowne Plaza Hotel - Old Town
Alexandria, Virginia
February 7, 2012

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INDEX OF MOTIONS

1. **Approval of Agenda by consent** (Page 1).
2. **Approval of Proceedings of November 7, 2011** (Page 1). Motion by Pat Augustine; second by Bill. Motion carried (Page 2).
3. **Motion that LCMT measures require the most restrictive rule apply to participants with multiple LCMA permits** (Page 9). Motion by David Simpson; second by Terry Stockwell. Motion carried (Page 10).
4. **Move that all closed areas proposed in Addendum XVII require that lobster traps are removed from the water during the closed period** (Page 10). Motion by Terry Stockwell; second by Ritchie White. Motion carried (Page 12).
5. **Move to approve the LCMA 6 closed seasons identified in Table 3, including a two-week gear removal and two-week gear replacement grace period during a closed season and no lobster traps can be baited more than one week prior to the season opening** (Page 14). Motion by Dave Simpson; second by Bill McElroy. Motion carried (Page 15).
6. **Move to approve a four-month closed season from January 1 to April 30 to achieve reductions required in Addendum XVII. As conservation equivalency for this four-month closure, approve a mandatory V-notch program for all legal-size egg-bearing females for all harvesters in LCMA 2 beginning June 1, 2012. The technical committee shall review the proportion of V-notched females in the catch to determine compliance by July 1, 2014** (Page 15). Motion by Dan McKiernan; second by Mark Gibson. Motion carried (Page 18) .
7. **Move to accept the Area 3 proposal to reduce exploitation by 10 percent from the 2007-2009 reference period. For Area 3 the minimum size shall be raised from 3-1/2 to 17/32 effective January 1, 2013** (Page 18). Motion by Dan McKiernan; second by Bill McElroy. Motion carried (Page 19).
8. **Move to approve a closed season from April 29th to May 31st for LCMA 4 to achieve the required reduction in Addendum XVII. As a conservation equivalency program approve a mandatory V-notch program augmented by a closed season approved by the TC to achieve a 10 percent reduction in exploitation in LCMA 4. If the closed season extends four weeks or longer, allow two-week grace period for removal of lobster traps and allow the setting of unbaited lobster traps one week prior to the season reopening. The technical committee shall review the portion of the V-notched females in the catch to determine compliance by July 1, 2014** (Page 19). Motion by Peter Himchak; second by Pat Augustine. Motion carried (Page 21).
9. **Move to approve a closed season from April 29th to May 31st for LCMA 5 to achieve the required reduction in Addendum XVII. As a conservation equivalency program approve a mandatory V-notch program augmented by a closed season approved by the TC to achieve a 10 percent reduction in exploitation in LCMA 5. If the closed season extends four weeks or longer, allow two-week grace period for removal of lobster traps and allow the setting of unbaited lobster traps one week prior to the season reopening. The technical committee shall review the portion of the V-notched females in the catch to determine compliance by July 1, 2014** (Page 22). Motion by Peter Himchak; second by Pat Augustine. Motion carried (Page 23).
10. **Move that the measures in Addendum XVII are in place until replaced by a subsequent board action** (Page 23). Motion by David Simpson; second by Bill Adler. Motion carried (Page 23).
11. **Move to approve Addendum XVII as modified today** (Page 23). Motion by Bill Adler; second by Bill McElroy. Motion carried (Page 24).
12. **Move to adjourn by consent** (Page 28).

ATTENDANCE

Board Members

Terry Stockwell, ME, proxy for P. Keliher (AA)	Lance Stewart, CT (GA)
Steve Train, ME (GA)	Rep. Craig Miner, CT (LA)
Sen. Brian Langley, ME (LA)	James Gilmore, NY (AA)
G. Ritchie White, NH (GA)	Pat Augustine, NY (GA)
Douglas Grout, NH (AA)	Brian Culhane, NY, proxy for Sen. Johnson (LA)
Rep. David Watters, NH (LA)	Peter Himchak, NJ DFW, proxy for D. Chanda (AA)
Rep. Dennis Abbott, NH, Legislative Proxy	Tom Fote, NJ (GA)
Rep. Sarah Peake, MA (LA)	John Clark, DE, proxy for D. Saveikas (AA)
Jocelyn Cary, MA, Legislative Proxy	Roy Miller, DE (GA)
William Adler, MA (GA)	Tom O'Connell, MD (AA)
Dan McKiernan, MA, proxy for P. Diodati (AA)	Bill Goldsborough, MD (GA)
Robert Ballou, RI (AA)	Russell Dize, MD, proxy for Sen. Colburn (LA)
Mark Gibson, RI, Administrative proxy	Michelle Duval, NC, proxy for L. Daniel (AA)
Rick Bellavance, RI, proxy for Rep. Martin (LA)	Mike Johnson, NC, proxy for Rep. Wainwright (LA)
William McElroy, RI (GA)	Bob Ross, NMFS
David Simpson, CT (AA)	

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

Ex-Officio Members

Josh Carloni, Technical Committee Chair

Jeff Marston, Law Enforcement Committee Chair

Staff

Vince O'Shea
Robert Beal
Genny Nesslage
Danielle Chesky
KateTaylor
Cindy Robertson
Pat Campfield

Tina Berger
Laura Leach
Meredith Wilson
Toni Kerns
Mark Robson
Mike Waine
Chris Vonderweidt

Guests

Chris Jones, MD DNR
Charles Lynch, NOAA
Dave Bethany, SMAST
Matt Cieri, ME DMR

Janice Plante, Commercial Fisheries News
David Spencer, AOLA
Bonnie Spinazzola, AOLA
Peter Burns, NMFS

The American Lobster Management Board of the Atlantic States Marine Fisheries Commission convened in the Presidential Ballroom of the Crowne Plaza Hotel, Alexandria, Virginia, February 7, 2012, and was called to order at 8:30 o'clock a.m. by Chairman Douglas Grout.

CALL TO ORDER

CHAIRMAN DOUGLAS GROUT: Good morning. This is the American Lobster Management Board, and we'll start moving forward. We have an ambitious agenda to get through in two hours. My name is Doug Grout. I'm the new Chair of the Lobster Board. I just want to point out to you that we have the New Hampshire team up here.

We have Josh Carloni, who is the new Technical Committee Chair from New Hampshire. We also have Jeff Marston from New Hampshire, who is the law enforcement representative. You're in good hands in New Hampshire right now. Before I begin I was asked to provide a message to all you legislative and governors appointees that attended the workshop yesterday, could you please submit your critique sheets that were in the back of your packet to Danielle sometime today. It would be greatly appreciated.

APPROVAL OF AGENDA

Okay, that being said, under Item Number 2 we have approval of the agenda. Are there any changes to the agenda that people would like to make? There is one thing that I would like to add on. I sent a letter to this board last week concerning some large amounts of egg-bearing female lobsters that are occurring in Closed Area 2. This is a closed area in the groundfish management plan. There are also habitat closures there.

I wanted the board to be aware of this because there is the potential that the New England Fishery Management Council may be removing the groundfish mortality closures in the future because we're now under hard quotas, and they may decide they don't need those closed areas in the future.

I wanted to make you all aware of it because we manage lobsters, and it might be something we might want to look at in the future to try and protect some of the large numbers of lobsters. I would like to add that to other business. Is there any objection to that? Is there any objection to the agenda as amended?

APPROVAL OF PROCEEDINGS

CHAIRMAN GROUT: Okay, now approval of the proceedings from the November 2011 meeting; any changes? Yes, Pat.

MR. PATRICK AUGUSTINE: **Move to approve** and then a note on the agenda about nominating a vice-chair.

CHAIRMAN GROUT: Okay, very good. We have a move to approve the agenda; do we have a second – I mean the minutes.

MR. AUGUSTINE: To correct the agenda but approve the proceedings; two separate items.

CHAIRMAN GROUT: Two separate items, so you're going to move the agenda –

MR. AUGUSTINE: You don't have a note on here, Mr. Chairman, to elect the vice-chair. At least I didn't see on the agenda.

CHAIRMAN GROUT: Would you like to add that to it?

MR. AUGUSTINE: Could we, please, and wherever you prefer.

CHAIRMAN GROUT: Toni is indicating that we were going to do that at the next meeting, but would you like to move it up?

MR. AUGUSTINE: Is there any reason for the delay, Mr. Chairman? The same people are going to be nominated.

EXECUTIVE DIRECTOR JOHN V. O'SHEA: Mr. Chairman, our normal practice is staff to get with individuals and see what their abilities are relative to their other responsibilities to chair this thing, and we're in the process of doing that, and that's why we asked to defer it until the next meeting.

CHAIRMAN GROUT: Any objection? Okay, so the agenda is approved and you made a motion to approve the minutes from the 2011 meeting; is that –

MR. AUGUSTINE: Correct, Mr. Chairman.

CHAIRMAN GROUT: And is there a second to that motion; seconded by Bill. Is there any opposition to that? Seeing none, we'll move on. I have one person that has signed up for public comment. Again, this public comment is on items that are not on the agenda here. David Spencer, I have you.

PUBLIC COMMENT

MR. DAVID SPENCER: Mr. Chairman, full disclosure; this is in Addendum XVII and yet I don't think it is a portion of Addendum XVII that the board intends on talking about, so I'll give you that opportunity right now before I start.

CHAIRMAN GROUT: Is there any objection to him speaking right now? Go ahead, Dave.

MR. SPENCER: I brought this up at the end of the last meeting and I quickly realized I was the only impediment standing in the way of adjournment, so I thought I would try this at the front end of this meeting. Pages 9 through 12 in Addendum XVII to me are by far the most important pages in that whole document and I think probably the least read.

What this is, is about the deficiencies in data collection for lobster, broken into two categories, both state and federal issues. I'm not going to list them all, but I think this very briefly boils down to some very low-hanging fruit in tweaking SAFIS dealer reports, making sure that they're standardized data collection programs in all states and that standardized reporting from fishermen in all states. That's on the state waters level.

Being a federal fisherman, my biggest concern is really three or four statements in this document, and I'll the liberty, if I could, to read one. It says, "The catch disposition for a substantial portion of the Southern New England Lobster Fishery, which occurs in federal waters, is poorly characterized. As a result it would be difficult to detect and assess the effectiveness of commonly used input controls in the federal waters portion of Southern New England."

That's not the only statement to that effect. The disturbing trend is that the lobster fishery is displaying an offshore trend in Southern New England so we have more and more of the fishery taking place in an area that we can't adequately characterize or monitor the catch outside of landings.

I brought this up at the last meeting. Obviously, by identifying this I think it was the correct thing to do. However, I'm going to bring up this document was written in August of 2011. We're now at the third board meeting since then, and I guess I will ask is there a plan to take some action on these; and if so, when?

I think it's critical that these be addressed; and I'll say again as a federal waters fisherman I think the

federal portion of this is scary. I think it has the potential to put lobster management by this board in jeopardy, and I would certainly like to start working on getting this fixed. I will leave it there. The only thing that I will add is especially in the federal waters portion of this, this has risen to such a level I don't think that this board in and of itself is going to be able to solve it.

I think this will take a joint effort. I think NMFS needs to stand up front and center to be a partner here. This board is individual states, and to me one of the most important aspects of this is going to be the enlistment of industry to help solve this problem. I would just ask is there an intention by the board to address this, and I'll leave it at that. Thank you.

MR. PETER HIMCHAK: Mr. Chairman, to that point I would just like to mention that when New Jersey was required to implement the at-sea sampling program under a prior addendum – I know if it was XII, XIV or whatever – but, yes, all of our at-sea sampling is essentially in federal waters. We committed two areas, 4 and 5. Logistically it was just inconceivable for us to sample out in Area 3 and we do not sample out there, but we do a fair amount of coverage of Areas 4 and 5, and it's all in federal waters.

CHAIRMAN GROUT: Any other comments from the board? I know this has been an area that I think that there could be some improvements of monitoring from my own experience. The question has always been where the funding is coming from as we have struggled also with other species management plans with this, especially where it's in federal waters here.

I think it's something that at a future board meeting I think we really do need to look at some options here. If the industry is available to get involved and maybe help fund some of it, that may be a direction that we can take at this point. Any other comments? Okay, thank you, David.

DRAFT ADDENDUM XVII

REVIEW OF LCMT PROPOSALS & TECHNICAL COMMITTEE REPORT

Draft Addendum XVII; final approval; we're going to start off with Toni providing the review of the LCMT proposals. Then we'll have a report from both the technical committee and law enforcement committee before we have final consideration of this. Toni.

MS. TONI KERNS: Josh and I are going to do a tag team review of the proposals. I'm going to go through the proposal for each of the areas and Josh is going to give us the TC review so we kind of do it together. Just as a reminder, at the last board meeting the board approved the option in the draft addendum for the 10 percent reduction, utilizing either a closed season or a change in the minimum or maximum size or a combination of the two.

Tables were provided to the LCMTs that were just passed out to you guys at the beginning of the meeting that gave us how much of a reduction, changes in the minimum or maximum size or changes in the season would be. The LCMTs were able to utilize those tables when determining what measures they wanted to recommend to the board.

The LCMTs were supposed to give proposals back to ASMFC by December 24th, and then the TC was to review those proposals. We received proposals from all the areas except for Area 5. Some of the proposals did not come by December 24th, but the TC was able to review all of those proposals and get information back to the board that was on the supplemental materials.

Today what we need to do is approve measures for each of the areas and then we would do a final approval of Addendum XVII with those measures that are approved for each area contained within the document so that they'll be codified in the Addendum XVII document. For Area 6 proposal, Area 6 proposed a fall closed season. They did not give specific dates, but they would be based on the tables that are provided, Table 12 in addendum.

The gear is being proposed to be removed during those closures. There is a possibility that they may allow a grace period of two weeks to remove the traps and allow the traps to be returned two weeks early, and also there would be an exemption for those licensed traps for black sea bass and conch would not have to be removed from the water. The closed season dates would be approximately – I'm looking to Dave – about five to six – five weeks; is that correct?

MR. DAVID SIMPSON: Yes, I thought I sent you four options later. After the LCMT meeting we realized there was an issue with updated New York landings, and I thought we sent you four options. I can try to get it from staff. The idea was to close somewhere between the day after Labor Day and September 15th and then go until we achieved the 10 percent reduction. The four options were, as I said,

between – I think Labor Day is September 3rd in 2013. It be like somewhere between the 4th and 15th, the 4th and 15th and two dates in between. It took us into November with the new – well, to us new numbers.

MS. KERNS: It's on Page 3 of their proposal.

MR. JOSH CARLONI: The TC reviewed all of these proposals; and for Area 6, based on the data provided from that Table 12, it would achieve a 10 percent reduction in landings on paper. The TC recommends that the closed season be accompanied by gear removal to prevent untended traps.

These traps will have benefits for other species such as black sea bass, tautog. We would also recommend that there be specific time periods when the closed season starts the traps be taken out and when it ends the traps can be put back in. This is just because if there was a grace period it could inflict non-harvest mortality on lobsters. We also suggest that effort and landings patterns be assessed to document any shifts from the closed season. This goes back to the recoupment issue that the TC has cautioned the board about.

MS. KERNS: Okay, next is the Area 3 proposal. Area 3 proposes to increase its minimum size to 3-17/32 as well as use its previous 2007 and 2008 minimum size increase and their vent increase from 2010 to account for the additional 5.6 percent reduction in harvest. The Area 3 proposal also requested that the board address the data deficiencies that were highlighted in the addendum as David just went through at the beginning of the meeting. The board should revisit these implemented measures if and when the stock rebuilds. They also requested that the board quickly implement the measures that are identified in Addendum XVIII.

MR. CARLONI: Based on the landings data provided from LCMT 3, it would achieve a 4.4 percent reduction in landings. That would mean that an additional – I'm sorry, the additional credit that they were asking for was from past gauge and vent change in regulations, and that does not meet the guidelines established by the board, so LCMA 3 would have to come up with an additional 5.6 percent reduction.

MS. KERNS: And at the last board meeting the board said that each of the areas would have to propose new measures to achieve the 10 percent reduction. That 5.6 percent that Area 3 is looking for is credit from Addendum IV, which was the change

in the vent, and I believe it's Addendum III that brought them up in the minimum size. Those were both in response to the 2000 stock assessment changes.

MR. BOB ROSS: This is Bob Ross with NMFS. I'd just like to briefly advocate for Area 3 in this situation. I believe that if we look back historically, Area 3 has been one of the more organized areas relative to moving forward with recommendations that were not mandated by the board. I go back again to some of their what I consider to be proactive trap reductions.

When the commission originally began the trap reduction scenarios, Area 3 went forward with additional measures from I believe 2002 to 2006. They took sliding scale trap reductions that were tied into the 2000 assessment. However, going forward after that, even as things quieted down, if we recall there was a period of what they called these "if necessary measures" where every area was requested to identify additional management measures that would kick in if necessary based on updated stock assessments.

Looking back at the history, although the board I believe in 2006 decided that none of these "if necessary measures" were needed by any area, Area 3 continued to take those "if necessary measures", which included an additional 10 percent trap reduction over a two-year period in 2007 and 2008, and also an additional 2.5 percent trap reduction each year in 2009 and 2010.

That is in addition to the gauge increase, the maximum and a larger V-notch. All that said, I would just like to note that from my knowledge of the Area 3 effort, their allocations are at this point lean and mean, and I would just like to note to the board that they continue to advocate for aggressive management in their area. Thank you.

CHAIRMAN GROUT: Thanks, Bob, I appreciate your comments there. What I was hoping – and I'm sorry if I wasn't clear on this – is to go through each of the LCMA proposals, get the technical committee review and take questions on them from the board and then we'll have motions by the board to approve each of the LCMA proposals so that we can debate and provide advocacy or opposition to any of them at that point so they'll be included in the plan.

Just to let know, once we get through addressing all of these proposals with motions one way or the other, we will have the thorny issue of we don't have a

proposal from LCMA 5. I know Pete is going to addressing that or we may need to have something put in place in the interim and have them go through conservation equivalency to get something in or something so that we have an LCMA plan in place for that area before we approve this addendum. What I'm hoping is we'll have something in place for each of the LCMAs and then we'll approve the addendum at this meeting.

MR. AUGUSTINE: Question, Mr. Chairman; Toni, did you say that the 10 percent reduction was based on the stock status of 2000?

MS. KERNS: No, Pat, I had just said that change up to the 3-1/2 inches and the change in the vent were in response to the 2000 stock assessment. Those were measures that were deemed necessary based on that 2000 stock assessment from which those proposed measures were originally put in place for.

MR. AUGUSTINE: Thank you. Just a follow-on; I was going to jump up and down and climb on the table and support what Mr. Ross had said. It just seems that this happens to be area that had been proactive. I won't elaborate on it now, but I sure would defend the LCMT 3's position as to where they're trying to go with this. In fact, it appears they have accomplished the 10 percent reduction. Thank you, Mr. Chairman.

CHAIRMAN GROUT: Again, that will be appropriate once we have a motion on the board for it. Okay, the next LCMA proposal.

MS. KERNS: Area 2 put forth a proposal for a mandatory V-notching program. This would be considered a conservation equivalency program since the addendum only contained changes to the minimum size, maximum size or a season. The proposal requires that all fishermen notch and immediately return all legal egg-bearing females. Notching would begin July 1, 2012, and the program would be validated through sea sampling and reviewed on July 1, 2014.

MR. CARLONI: As Toni said, this does not meet the requirements set forth by the board in Addendum XVII. The TC does feel that this proposal has the potential to reduce exploitation by 10 percent with sufficient participation. To achieve that 10 percent reduction, there would need to at least be a 50 percent compliance with the V-notching program. The TC would also recommend that both Rhode Island and Massachusetts continue with their sea sampling as a way to validate this type of a program.

CHAIRMAN GROUT: Are there any questions on that? The reason I asked that is because I had a question on. This could be either for the TC or for maybe Dan because I know you were reporting the LCMA 2 proposal here. Do you have in your sea-sampling data or did they present any information in the sea-sampling data that indicated that there was any percentage of lobsters that are already V-notched that come in from other areas; and if so, shouldn't the increase be above what is currently prohibited with being taken? For example, if you have 2 percent of the lobsters are already V-notched and they're not being to be taken, shouldn't that increase be above what your current levels are?

MR. CARLONI: Doug had asked me this question previously so I talked to Bob Glenn. It was originally at 1 percent V-notching, so it would actually have to come up to 11 percent of rate of V-notching. As we'll get into later on in LCMT 4, they have a similar proposal, and theirs was very minimal, the amount of V-notches in LCMT 4.

MS. KERNS: For LCMT 4, they submitted two proposals. The first proposal is a mandatory V-notching program and a season closure. Their V-notching program would require all fishermen to notch and immediately return all legal egg-bearing females. The original proposal that was turned into us gave us a five-week season closure from January 1st through February 7th.

The second proposal that was turned in is strictly a season closure. This season closure would be April 29th through May 31st. Traps would remain in the water. No lobster would be harvested direct or bycatch. There was a request in the proposal for the most restrictive rule to not apply to the season closure.

MR. CARLONI: And again this does not meet the guidelines set forth by the board, the proposal for LCMT 4. This is for Proposal 1. The TC does feel that it has the potential to reduce exploitation by the 6.4 percent, and that would only be if there was a hundred percent compliance with the mandatory V-notch program. We would highly recommend the need for an ongoing sea-sampling program that would be able to validate this by July 1, 2014.

New Jersey currently has a sufficient amount of sampling in their sea-sampling program. We would recommend that since New York only conducts one trip annually in this area that they would increase it to a minimum of six trips annually. This next bullet

point has been addressed by LCMT 4, but when we got the original proposal it was not.

Basically what they did is they didn't account for V-notching when the season would be closed; and since it closed in January and February, they wouldn't be able to V-notch then. They originally had it in that they were getting that V-notching done, but they have since fixed that, maybe. The TC still needs to review that.

The closed season that would accompany that V-notch proposal would achieve the nominal 3.6 percent reduction in landings. The second proposal that the TC looked at, it would achieve the 10 percent reduction in landings. For each proposal the TC recommends, as with some of the others, effort and landings patterns be assessed to document any shifts that may be going on and the closed season be accompanied with lobster gear out to benefit all species.

CHAIRMAN GROUT: Any questions on this proposal? Dave.

MR. SIMPSON: Yes, it actually relates back to the Area 2, but it is relevant. It seems to me the target you'd be shooting for wouldn't be 10 percent V-notching; it would be 20 percent because you're only doing females; so to get the 10 percent reduction you'd need to do 20 percent of the female component of the population; isn't that right?

MR. CARLONI: I think the best way to explain this would be – let's deal with LMA 2. They, from sea-sampling data, found that 20 percent of their legal catch was made up of egg-bearing females; so with a hundred percent compliance with this V-notch program, all 20 percent would be V-notched and in subsequent years protected. Does that answer your question? No.

MR. SIMPSON: No, the plan requirement in Addendum XVII is to reduce exploitation by 10 percent beginning in 2013 ; so to accomplish that wouldn't a proposal that was directed at conserving only females need to conserve 20 percent of the adult female population? Regardless of the number of egg bearers or anything else, you need to reduce exploitation 10 percent overall, so 20 percent for the female component of the population.

MR. CARLONI: Let me think of the best way that – I'm pretty much going to repeat what I just said. Of the legal sized animals out there, so anything – in the Gulf of Maine it's 83 to 127. In Southern New

England I don't know exactly off the top of my head, but of all legal size animals out there, 20 percent of those were made up of females with eggs.

So if all 20 percent of those were V-notched, you're correct, they wouldn't be protected right away because they had eggs, but when they drop their eggs and in subsequent years – I think the proposal said by July 1, 2014, is when we would validate whether 10 percent of the legal size population had a V-notch. Regardless of whether it was male or female, 10 percent by that time would have a V-notch and thus be protected from exploitation.

CHAIRMAN GROUT: Is that clear, Dave, because I know I started going down that road and then the thing, at least in my mind, that had me turn it round was it's 20 percent of the total catch and not 20 percent of the females. Any other questions on Area 4's proposal.

MR. HIMCHAK: It's more of a comment, Mr. Chairman, but subsequent to the LCMT meeting I know that New York and New Jersey technical committee staff, recognizing, of course, that you don't get any credit for V-notching during a closed season, they've come up with a suite of options on seasonal closures to augment the V-notching percentage.

This leads into the difficulties I have with Area 5, which it's kind of like a forgotten child in this addendum, but I think – and as I explained in that e-mail that I sent out to you and to other state directors on Friday, in Area 5 I think we have to come to some kind of common ground on a seasonal closure in Area 4 to augment the mandatory V-notching before we can address Area 5, and Area 5 we just have to follow suit with whatever Area 4 – the conservation equivalency approach of Area 4.

We can't divide our state up into half and have people jumping from one area to the other. Area 5 accounts for a total of 9,000 pounds in the last reported year at least for New Jersey. So, I just wanted to add that to the fact that we – and, Jim, correct me if I'm wrong, but we prefer the mandatory V-notching approach augmented by a seasonal closure to equal the 10 percent and the dates to be determined later.

CHAIRMAN GROUT: Well, Pete, when we get to the part about Area 5, maybe you could make a motion to that effect that it would be the same as in Area 4, and then we could deal with it in that manner. Any other questions on Area 4? Toni.

MS. KERNS: Area 4 turned in some additional season closures to go along with the V-notch program after the TC had indicated to them that you couldn't take credit for V-notching during a closed season because you wouldn't be harvesting lobsters at that time, and so they came back with new dates for the closed season.

Those were turned into Josh and not actually turned into me, so the TC hasn't had an opportunity to review those closed season dates yet, but these were the dates, January 1st through February 28th; February 1st through March 31st; February 1st through April 7th; March 2nd through April 30th or three weeks of April.

The TC would have to go back to make sure that they were calculated correctly for the correct amount of conservation. That is what was turned into the group. Again, there is no proposal specifically from Area 5 so there is nothing for the TC to review on that. Just as reminder for the board, there are the tables for the reductions for changes in the minimum and maximum size.

For the areas that we don't have proposals from, if we need to choose from those, we can utilize these tables as well as the changes in the percent harvest by LCMA by month. If we wanted to put together a closed season for any of the LCMAs that didn't meet the requirements from the addendum document, we could utilize these tables to pick seasons or minimum or maximum sizes here today.

The TC also had a couple of clarification questions for the board; which period of landings or measure of exploitation should be used to measure the effectiveness of these measures? Does the board want the TC to go back to make sure that there really was a 10 percent reduction? Will we be holding the LCMAs accountable to that or not?

If the board wants to hold them accountable to that, the TC notes that the landings in most areas had continued to decline in the last five years prior to any actions being taken in this addendum document. The board would need to indicate what years the period of landing measures would be. In previous discussions we had indicated 2007-2009.

Also, the TC is concerned that dual permitted vessels will shift effort from one LCMA to another LCMA during closed seasons, so the board should consider utilizing the most restrictive rule if closed seasons are implemented so that a fisherman with both LCMA 2

and 4 couldn't just shift into the other LCMA when one of them is closed.

CHAIRMAN GROUT: That concludes your report? Okay, Law Enforcement Report.

LAW ENFORCEMENT REPORT

MR. MARK ROBSON: Thank you, Mr. Chairman. You will recall that the LEC did present a memo regarding its comments on the Addendum XVII. For the most part, most of those comments – in fact, in all cases really those comments still apply. We did have an opportunity to get some of the LEC members together on a conference call to review the specific LMT proposals, and so we would just offer a couple of comments on those.

Again, they pretty much adhere to our original comments in the memo back in October or November. First of all, the LEC still feels very strongly that if closed seasons are implemented, that all gear should be removed from the water. It presents an enormous enforcement issue if that's not the case. I think that statement was made before and so we adhere to that as well.

There was some concern expressed about the notion that if there is a closed season and allowing a grace period either to get traps in the water, early soak period or to remove them after the season is closed, again the LEC would prefer that not be the case, that you have a clean cut-off of getting gear out of the water.

We do understand – and several LEC members pointed this out – that there may be some situations where it could be, from a practical standpoint, important for fishermen to have a little more time to get out of the water. If that were the case, then as they are pulling trips for the last time during the open season, that they would have to somehow disable those traps.

If they're going to put them back in the water to remove them after the season is closed, those traps would have to be disabled. Overall, the preference would be to get them out of the water at a clean date and to not put them in the water until a certain date. Again, we also reiterate, as we did before, that it would be very important to apply the most restrictive rule to any of those fishermen who may be dual permitted.

It has already been pointed if you have a situation where somebody who is dual permitted can shift their

effort from an area that's closed to a nearby area, an adjacent area that's not closed, that presents problems, certainly, and so we definitely recommend applying the most restrictive rules for dual permitted or multiple permitted fishermen.

We did discuss the V-notch program. A couple of the LEC members, as an observation, pointed out that they've seen V-notch programs in effect and they can be effective and we believe that's possible, but they really do require a significant amount of compliance and buy-in by the fishermen and the industry to be successful.

If that's the case, they can be successful. From an on-the-water enforcement perspective to make sure that the lobsters that are being taken are V-notched and put back in the water, that's a very difficult, very costly and very timely thing to try to enforce. Obviously, enforcement can deal with possession of V-notched lobsters. This is very straightforward, but the actual on-the-water assurance from an enforcement perspective that lobsters are being V-notched as they're encountered and put back is something that is very difficult to achieve. Mr. Chairman, those were essentially the comments that we had.

CHAIRMAN GROUT: Any questions for Mark? Pat.

MR. AUGUSTINE: Very good report; thank you, very clear. It appears that the board should consider developing some action to determine how the permittees are going to be allowed to fish during a period of time. Law enforcement says we really have to have some way of determining or controlling the dual permitted guy.

We haven't talked about that at all, Mr. Chairman, so would that be an issue that we can address in the next meeting or two; so that when we go forward with this being implemented in 2013 we have some clear language that will allow the permittees to decide or we decide for them – that's going to be a tough one – which area they're going to be able to fish in during this period of time so we can prevent to the best possible way or eliminate this jumping from area to area. I think it's a prime issue and I think we have to address it soon. Thank you.

CONSIDER FINAL APPROVAL OF ADDENDUM XVII

CHAIRMAN GROUT: I agree with you, and I think

it's an issue that we need to discuss today after we've approved the LCMA proposals. Pete.

MR. HIMCHAK: Mr. Chairman, I have some real problems with this gear-out-of-the-water issue insofar as in New Jersey we have one lobsterman that fishes exclusively in state waters and everything else is conducted in federal waters. My question is we cannot imagine any regulatory authority that we have to require any of these pots in federal waters to be removed from the water. I'd like some guidance on that.

My second comment is that the small landings of lobsters in Area 5 are actually a byproduct or a bycatch of the directed black sea bass fish pot fishery where they have a trip limit. Of course, we can prohibit the landings of the lobster bycatch during the months; but I mean essentially removing the gear from the water, the primary fishery is black sea bass. While I understand the benefits of getting gear out of the water during closed seasons, I don't know how to resolve these issues.

CHAIRMAN GROUT: Pete, to your last issue, in the addendum the gear-out-of-the-water provision is specific to lobster traps, so those other traps are not something that you have to worry about. Maybe to your concern about the state requiring traps out of the water for traps that are in federal waters, is there any input that our federal partners can provide on that if we were to approve this addendum with such a clause? Bob.

MR. ROSS: A couple of comments here. One of the concerns we have is our ability to move forward quickly to draft and implement regulations for Addendum XVII. In our discussions under the PDT when this addendum was being drafted, as well as some of the comments that NMFS provided at the board, it was our concern that the measures in this addendum would need to be developed in a way that would rely on state enforcement and not federal enforcement.

Again, because until we get regulations on the books for these closed seasons or V-notching or whatever, technically there are no federal regulations – not technically; there are in fact no federal regulations that our law enforcement could enforce in this case, although bear in mind that clearly NMFS has joint enforcement agreements with the vast majority of the states at this point.

The other issue we have is our ability to address things like the black sea bass fishery. We have an

Area 5 waiver that was initiated by the commission as well as the Mid-Atlantic Council as well as I believe the state of Maryland requesting waivers for any black sea bass fishermen that also had a lobster permit.

We developed regulations I believe back in 2001 or 2002 to allow that, so technically anyone with a dual permit, both lobster and black sea bass, electing to fish for black sea bass is waived from all lobster regulations other than the 100/500 possession limit. That is, as Mr. Himchak indicated, another issue that has to come into play here; but from a federal perspective, the Area 5 dual permit holder that is electing to target black sea bass and does that formally on their federal permit would in fact be waived from all lobster regulations. I hope that helped a little bit.

CHAIRMAN GROUT: Well, what I hear is that New Jersey saying they can't enforce it and you're saying you can't enforce the gear out of the water for lobster traps. Terry.

MR. TERRY STOCKWELL: Following up on Pete and Bob's comments there, it was just more of a statement about the process, Mr. Chair, and how we go forward with addressing each of the proposals from the different LCMTs. I appreciate their work and proposing closed areas; but without an ability to address the issues raised by the TC and Law Enforcement Committee, I think we need to address it kind of holistically as we go through each area rather than approve a plan of a closed area and then try to figure out how to deal with the closure later. It certainly would impact how I'm going to feel in my support on each of the measures.

CHAIRMAN GROUT: Would you suggest that we address these broad issues such as most restrictive rule and traps out of the water before we address each of the plans? I was thinking about doing it afterwards, but it sounds like you're uncomfortable with that.

MR. STOCKWELL: I'd feel more comfortable about having a discussion prior because it will certainly impact how we look at each of the individual LCMT proposals.

CHAIRMAN: Is there any objection to taking that process, that we take the broad issues before we address each of the LCMT proposals? Seeing none, we'll go with that process. Before we go to that process, Bill, did you have a question here.

MR. WILLIAM A. ADLER: Mr. Chairman, I had a question for Pete. In the Area 4 Proposal for a closed season in addition to the V-notch and then getting to the sea bass issue, the proposed closures that they're thinking about; is that during a sea bass pot season as well? I mean, do they go year round or is that – whatever they proposed here on their short January to February or a couple of others; is that sea bass time, too?

MR. HIMCHAK: The January through March closed period does not correspond to black sea bass fish potting, but I would say the ones that include the last week of March through April most definitely would impact the black sea bass fishery.

CHAIRMAN GROUT: Let me just check to make sure there are no more questions on any of the TC proposals at this point – I mean the LCMA proposals and the TC 's comments. The broad issues that I have are with seasonal closures, applying the most restrictive rules, and then the other issue I have is whether with any of these season closures whether there are going to be traps out of the water and what is the definition of that?

Are we going to allow a grace period or not on those, essentially giving them time to get out of the water and back into the water without them actually fishing or landing? Why don't we take up the most restrictive rule first? Are there any comments on that? Do you think we should apply that to our proposals here as a general rule that the most restrictive rule would apply if someone is permitted in more than one LCMA? Dave.

MR. SIMPSON: Yes, I think it's pretty standard to fisheries management to apply the most restrictive rule. I think it makes sense in this case. If you think it is appropriate at this time, I'd make that motion.

CHAIRMAN GROUT: Please do.

MR. SIMPSON: **Okay, I'd move that LCMT proposals require a most restrictive rule for participants in multiple LCMAs.**

CHAIRMAN GROUT: Is there a second; Terry. The motion was by Dave Simpson; seconded by Terry Stockwell. Discussion on the motion? Dave, did you want to have the first crack at discussion? Okay, Dan.

MR. DAN MCKIERNAN: Massachusetts and Rhode Island are probably not going to contribute to this discussion because to our knowledge we don't have

any Area 4 or Area 5 or Area 6 fishermen. Therefore, all of our guys are 2 and 3; and if there is no season closure on the table for those, then we don't need to discuss it.

CHAIRMAN GROUT: Any other discussion on this particular motion? Any comments from the public? Back to the board; Bill.

MR. ADLER: Mr. Chairman, I just was curious. Do all the states except Rhode Island and Massachusetts allow multi LMA on their permits? I mean, I know we don't. You pick your area and stay there, but do the other states still allow different LMAs?

MS. KERNS: Bill, the most restrictive rule applies for all of our biological measures. Any fisherman that has a permit with multiple LCMAs, the most restrictive rule always applies, so it would be consistent with those measures and other biological measures.

MR. ADLER: So in other words the other states do allow multi LMAs on their permits; is that right?

MS. KERNS: Yes, there are other states that do allow this, yes.

MR. MCKIERNAN: Just a point of clarification; there are fishermen or vessels that are authorized for two LMAs in the federal system in terms of trap allocation, but I believe that many or most fishermen opt to just fish a single LMA, especially if the biological measures are different.

So it's different to be authorized for two areas as opposed to choosing them in a given fishing year with trap tags that are appropriate for that year with the LMA, and that's how it's enforced on the permit and on the trap tag, but what is in the system, in NMFS' files or in a state's files is not relevant.

CHAIRMAN GROUT: Toni would like to address this.

MS. KERNS: Dan, maybe if we perfected the motion a little bit, that might address your concern. I think there are two things here. I think we could say move that the LCMT measures require instead of proposals because we're adopting measures as one clarification, and not to get to Dan's, and then at the end I said apply to participants with multiple LCMA permits to try to get at that they have more than one area on their permit itself and not what they have necessarily been allocated. Do you think that

wording gets at it correctly enough or is there anymore perfecting?

MR. McKIERNAN: I think it's fairly clear as long as the board understands what is in play here. It's what is on the permit and what is on the trap tag; not what is authorized in the system for the vessel or the permit holder.

CHAIRMAN GROUT: Dave, you're okay with that and is the seconder okay with that modification so that proposal should be changed to measures. Any other discussion on this motion? Do you need to caucus?

(Whereupon, a caucus was held.)

CHAIRMAN GROUT: I'll read the motion while they're caucusing. **Move that LCMT measures require the most restrictive rule apply to participants with multiple LCMA permits. Motion made by Mr. Simpson and seconded by Mr. Stockwell. Okay, are we ready to vote? All those in favor raise your hand; any opposition; any abstentions; any null votes. The motion passes unanimously.** The next issue is traps during a closed season; should the traps be out of the water? Terry.

MR. STOCKWELL: Mr. Chairman, the goals of this addendum have changed greatly over our discussions in the year plus, and for the LCMTs to come forward with a proposal of closed areas I'm sure took a lot of thought and heartache on their part, but from my perspective the only way they're going to have any meat is to remove the traps in the water. I'm concerned about funding, monitoring and enforcement. If closed areas are to be an effective tool, I support removing the gear from the water. When you're ready for a motion, I would have one.

CHAIRMAN GROUT: I'm ready for a motion.

MR. STOCKWELL: **Mr. Chair, I would move that all closed areas proposed in this addendum require that traps are removed from the water. I did that completely on the fly so let think about it.**

CHAIRMAN GROUT: Could you say lobster traps?

MR. STOCKWELL: During the closed period.

CHAIRMAN GROUT: We were wondering if you could say lobster traps in your motion.

MR. STOCKWELL: So said.

MR. AUGUSTINE: Point of information, Mr. Chairman.

CHAIRMAN GROUT: If we get a second, I'll be glad to – **is there a second; Ritchie White.**

MR. AUGUSTINE: Were you going to add the closed area – I'm sorry, the removal of the pots as a part of this or a separate motion. I'm sorry, the LEC suggested there might be a problem on their part relative to the pot being in the water, out of the water two weeks before, two weeks after to put them back in. I have some concerns about weather conditions and so on, and that's why we talked about a window. Is it part of this motion or do you want to have it as a separate motion? Maybe it would be easier to keep them separate.

MR. STOCKWELL: I share that concern, Pat, and my thought was to do it in a separate motion.

CHAIRMAN GROUT: Okay, discussion on this motion? Terry, I'll give you first shot at discussion if you'd like it.

MR. STOCKWELL: I'm just concerned about credibility and enforcement. As we address each of these measures as we go through, I fully support closures as long as I know they're going to be effective.

MR. SIMPSON: I'm opposed to the motion but I support the concept of it. It's something we talked about a lot in Connecticut and quite a bit at the LCMT meeting. I think it is important to get the gear out of the water, but it was intentional on my part and I thought the board's that we did not bring this up when we approved the addendum, that we were silent on this because of all the complications of black sea bass traps in our area overlapping with this same gear and the conch fishery, all these things that I think we could do a pretty effective job at addressing, allowed to go back to the state, you know, our own state and develop appropriate regulations to our conditions.

This is something I'll probably say a couple of times this morning. You know, this is the first time a lobster fishery has been subject to an overall cap on harvest. This is culture shock to the lobster industry. You can see from the diversity of the proposals coming out that the industry doesn't quite know how to deal with a cap on harvest.

It's routine; it's 20 years old in fin fisheries, but this is a brand new concept in lobster management so I would ask at least in this respect, that we be given the

latitude to try to figure out how to make this stuff work. I think the enforcement is pretty solid, is pretty clear because from the day we state until the day we restate landing is prohibited and that can be enforced at sea, it can be enforced at the dock 100 percent. Landing is prohibited.

The time period that equates to 10 percent of landings is what we specified. Whether the gear is in or out doesn't matter in effect. I mean, there are clear advantages to taking the gear out, bycatch and so forth that we would like to address in Connecticut and New York and Long Island Sound, I think I can say.

But landing is prohibited; it's highly enforceable without question. In fact the way some of our laws are written, if you were in possession of any quantity of lobsters you'd lost your permit. It would be a very serious violation to come in with two or three hundred pounds of lobsters that were illegal to possess. I have no concerns about this being enforceable. Some of the other proposals I have – I mean it has been clearly stated that they are not enforceable. It's an honor system and I have real concerns about that. That's my long-winded comment to this one area.

CHAIRMAN GROUT: Just a point of clarification, Dave; at our last meeting we did discuss this and we made a conscious decision to put off that decision to put that into the document until this meeting, that we were going to make that decision then, so we're going to make it one way or the other at this meeting. To that particular point, Jeff?

MR. JEFF MARSTON: I just wanted to caution the board that the Atlantic Large Whale Take Reduction Plan prohibits the wet storage of gear for more than 30 days, I believe; so any areas that were under those restrictions, I don't want to send a false signal to the fishermen that they can leave their gear out and violate the federal law at the same time. Thank you.

MR. WILLIAM A. McELROY: Mr. Chairman, I have support for this proposal but with the caveat that the two-week grace period at both the beginning and termination of the program is a necessary measure. People have mentioned weather considerations and a whole host of different measures, but it would be particularly with a wintertime closure, which seems to be the most likely time that people are discussing.

The weather doesn't really cooperate very well; and if we had a hard deadline of say it's a month of a closure and it starts at both ends of that, well,

obviously, that could end up causing not what we want to occur. It would essentially extend the closure beyond the limits that we would define because of the logistics of taking gear out of the water and putting it back in the water.

A secondary concern I have along with the whales that was just mentioned is that if lobster gear is wet stored it will retain some degree of lobster and there is no guarantee that those lobsters will have a good outcome. They very well could be eaten by other fish or die in the pot for various reasons, so I would have to support having this proposal but with the understanding that it would be necessary to have some sort of a grace period associated with it. Thank you.

MR. HIMCHAK: I guess my question is then – I mean, we have a number of alternatives with closures that are by weeks or a month long; and if you build in these grace periods, then essentially there won't be any removal of gear out of the water. I can only reiterate that if you're fishing in federal waters and lobstering off New Jersey, I mean you are not even required to buy a state gear license if you're fishing exclusively in federal waters. So, I mean they're not even licensed by the state of New Jersey to lobster fish off our coast. We can prohibit landings, yes, but anything else as far as affecting their gear, we're very limited.

MR. McKIERNAN: Just a question for David Simpson; in Massachusetts we have a conch fishery and a sea bass pot fishery and a scup pot fishery, but those are all different gears and each gear has its own trap tag, so it's not clear to me why lobster gear would be kept in the water to harvest other species. Aren't they separate gears?

MR. SIMPSON: Yes, actually with the downturn in the lobster industry since 1998/1999, I think the whole coast has experienced this surge in the conch fishery, conch pot very well in lobster pots, so they just bait them up differently, put them in different areas and it becomes a conch pot, so it really is the exact same gear that they're using. My thought was we'll need to develop something like a conch tag and enhance our level of management in that fishery to deal with lobster in addition to conch itself.

MS: KERNS: Dan, that is why I had asked Terry to include the word lobster trap to try to get at that we're looking at directed lobster traps and to give the exemption to the directed sea bass pots. Obviously, those pots still have the potential to catch lobster, but the state would have no landings of lobster for

anyone so that we would be covered under there, but as to not have unintended catch of directed lobster pots sitting in the water for one to three months.

MR. ROSS: Just to follow up briefly on Pete Himchak's comment relative to this most restrictive, federal regulations do have that codified now, so all federal permit holders would be bound to the most restrictive regulations of state or federal. In this case, as I indicated, NMFS would not be able to promulgate these regulations in a timely enough manner to enforce directly ourselves. However, I'd like to reiterate that under our regulations any state measures, our permit holders would be bound to those regulations under our most restrictive rule. However, it would be up to the state to enforce that end of it.

MR. ADLER: Back to Bill McElroy's comment about a grace period, would that mean that if you had – I'll just pick a date – January 1st to March 1st closure, let's say, would the closure – actually grace period be within the closure, so, in other words, the full closure isn't until the middle of that period of time; is that how that works?

CHAIRMAN GROUT: Bill, we're going to discuss that in a subsequent motion. Just in the interest of time here, we're at 9:45 and we've got 45 minutes to go through the rest of this addendum and Addendum XVIII. Is there any other critical debate on this specific motion? Seeing none, I'll give you a minute to caucus and I'll read the motion. Dave.

MR. SIMPSON: Just a clarification; so you're saying that it would be a separate question whether the grace period?

CHAIRMAN GROUT: That's what was indicated earlier; that there will be a separate motion on that. **The motion reads move that all closed areas proposed in Addendum XVII require that lobster traps are removed from the water during the closed period. Motion made by Mr. Stockwell; seconded by Ritchie White.**

(Whereupon, a caucus was held.)

CHAIRMAN GROUT: Okay, I'm going to call the question. I'm sorry, I didn't go to the public on this. Sure, come on up. John, could you make your comments brief so that we can move through this addendum? Thank you.

MR. JOHN GERMAN: My name is John German, an Area 6 fisherman. I'd like to make a comment on

this requiring lobster traps moved from the water. The traps that we fish are, Mr. Simpson said, used – it's more of a combination fishery that we have right now. They're used extensively for conchs. Lot of guys don't even use the standard conch pot.

They use lobster pots, depending on how they bait them and where they put them. Also, they're used in the scup fishery, the tautog fishery and the sea bass fishery. It depends on the definition, but if you remove the lobster trap from the water, that would eliminate all of those fisheries which are extremely important at this time for us.

We don't have tags for anything else but lobster pots. All the other pots are just – they don't have to be tagged with a tag. It will be extremely hard on us financial-wise to give up all those fisheries plus the lobster fishery. Thank you very much.

CHAIRMAN GROUT: Okay, that being said, thank you very much for that comment. Let's vote on this. All those in favor of the motion raise your hand; all those opposed; any abstentions; any null votes. **The motion passes eight to two to zero to zero.** Yes, David.

REPRESENTATIVE DAVID H. WATTERS: Mr. Chairman, I just want to be sure based on the public comment that what we mean by lobster traps are traps used exclusively for lobstering?

CHAIRMAN GROUT: Directed fishery lobster traps is the intent. Is there any discussion that you want to make on having a timeframe for them to get the traps out of the water and in the water? Dave Simpson.

MR. SIMPSON: I think it's critical to recognize the difference between a trap fishery where a guy might have an allocation of 200, 500, 2,000 traps and an otter trawl fishery where you just spin the net up on the reel and you go home. You can't make it happen it one day. Given that our whole approach to this in the assessment of it has been based on landings.

We have a fairly protracted closed season proposed from September 3rd potentially to the end of November. It's not like we have a four-week closure and we're going to spend the whole four weeks either taking gear out or putting it back in. A couple of weeks I think is quite reasonable to get out there and bring all your gear back in an orderly fashion – landing is prohibited – and then again on the other end of the season gradually start putting gear back in.

We could even talk about when those pots could start to be baited again. I think we have to have that and I think it's a pretty essential component of this overall plan if we're going to actually be able to implement a closed season. What I expect to happen in Long Island Sound is given the seasonality of this, a fall closure, it's going to create two fisheries again the way there used to be.

There will be the summer guys who will never put gear back in and then there will be the full timers who will go back in and fish in the wintertime, so there is going to be other benefits to a closed season if we can provide the latitude to make it work. The specific time period may have to be LMA –specific, but for LMA 6, Long Island Sound, I think two weeks on either end to take gear out and put it back in is very workable. Again, there are no landings allowed from Date A to Date B.

MS. KERNS: Dave, I have a question for you on the two-week grace period. There are some proposals where the closure is only one month; and so if you give them a grace period of two weeks on one end and two weeks on the other, those fishermen will not have to take their traps out of the water. They would have the ability under the regulations to not have to take those traps out of the water. Is that what the board is looking to allow? It's just as a clarification.

MR. SIMPSON: Yes, and that's why I said I think it needs to be LMA-specific because of those details. There are complications in federal waters that were alluded to where gear has to be hauled at least every 30 days. Those are nuances of LMAs and why we do things LMA-specific.

MR. G. RITCHIE WHITE: Mr. Chairman, I'd certainly support the two weeks at the end of the season. Weather that time of year can clearly create problems and I think it's not reasonable to expect someone to get all their gear out within a day or two, so I think the two weeks after. I think the two weeks prior to I don't support.

We regulate a lot of fisheries, shrimp, herring, where we have limited landing days, and it's very common that the fishermen miss some of those days due to weather and they're just not able to fish, so I think the weather on the front end of the season is something the fishermen have to live with. Thank you.

CHAIRMAN GROUT: What I'd like to do is potentially get a motion on the board to discuss this. I guess the basic concept, as David brought up, do we

want to do this again as a broad-based policy or do we want to do it on an LCMA-specific. If anybody has got a motion or would like – Dave – and then I'll have discussion on the motion..

MR. SIMPSON: I would move for LMA 6, that –

CHAIRMAN GROUT: What I'm trying to get at is does the board want to have a broad-based policy or not? Then if we decide, yes, we're going to have a policy or if we're not going to have a policy, then we'll go to individual LMAs as opposed to – that is what I'm trying to get at right now, Dave.

MR. SIMPSON: Okay, yes, I was I guess doing two things at once. Answering the question, I think we need to do it by LMA and what we want to do in Area 6. There is the practical reality of this that it's not a midwater trawl that you, you know, roll back up on your 200-foot boat and you go home. It's fixed gear. They could have a thousand traps. They can't do it overnight.

MR. STOCKWELL: I would suggest we make each one of these proposals LMA-specific and not try to get ourselves wrapped around the axle by making a motion that would be cross-cutting.

CHAIRMAN GROUT: Is there any objection to that? It kind of sounds like that's the will of the board right now. Now, with that being said, if there is no objection to that, we'll go to the specific proposals now. I had Bill and Craig; was there a specific thing you wanted to talk about?

MR. McELROY: No, the suggestion I was going to have would be a motion that would have two factors. One would say that for areas that had an extensive closure, that a two-week window would be allowable; and for areas that would have a shorter window, say a month or something like that, the provision might be that the lobster trap tag be removed from that pot so the fellow would still be able to chase after other species.

Obviously, a grace period for a one-month closure, as was pointed out, wouldn't work so that might be an alternative. I don't think it's a need for a motion now. I think you kind of corrected that. Thank you.

MR. STEPHEN R. TRAIN: We talk about the grace periods, and I have been lobstering for 25 years. If I decide I'm going to go scalloping or shrimping or go to Disney World, I've always had my gear out the day I needed my gear out to do the other fishery. I

mean whether there is weather or not, we knew what the deadline was and we did it.

Do I think that we could have a grace period; yes, but I think maybe what we should do is allow the states the authority to grant the grace period in their enforcement and not encourage the grace period in the motion because they may know that we had a week of bad weather and they should give them another five days to get it up. But to write it in there when we might have a one-month closure and a two-week grace period on either end, we didn't do anything.

CHAIRMAN GROUT: Okay, let's move on to the various proposals. I think I'd like to take them in the order in which the TC had responded; so Area 6's proposal first. Do we have a motion relative to Area 6's proposal? David.

MR. SIMPSON: Are you looking for overall or just the gear-out-of-the-water component?

CHAIRMAN GROUT: You can take it either way; you could have an overall and then do a gear-specific or you could include it within your motion overall with the gear-out-of-the-water proposal.

MR. SIMPSON: Okay, in that case, with a nod from New York, **I'll move approval of LCMA 6's proposal expressed in Table 3 in our proposal and to include a two-week gear removal and two-week gear reset period within the extended closed seasons that we propose.**

CHAIRMAN GROUT: Seconded by Bill McElroy.

MS. KERNS: Dave, could you say closed season instead of proposals so that it's more clear to the public when they read the minutes from the meeting?

MR. SIMPSON: Yes, if you can just go ahead and make that change, so it would be LCMA – so up top I guess it would be the LCMA closures?

MS. KERNS: Closed seasons..

MR. SIMPSON: Closed seasons identified in Table 3. I suppose I should have been prepared for a motion, right, instead of winging it at the table.

EXECUTIVE DIRECTOR O'SHEA: Mr. Chairman, I had a question maybe in the process that the TC used to calculate the credit or the reduction. What assumption did they make about the ending of the – I mean the two-week grace period to begin fishing; did

they assume that there would be no lobsters caught in the traps? I understand they can't be landed, but I think that part of the year they're fishing on a one-week soak, anyway, so did they assume that those lobsters wouldn't be in the trap when they made the calculation?

MR. CARLONI: I can try to answer that. Yes, there was no assumption in those calculations that any of those lobsters would be landed and the TC recommended against the two-week grace period.

MR. SIMPSON: If it helps, because I get that point, I could suggest amending the motion to say that no traps could be baited prior to one-week before the open season, and I think that would fit exactly with what Vince was describing that typically they're on a one-week soak, anyway, so that would fit exactly with how the landings come in – how the landings came in on the time series that was used. It would be, yes, no traps could be baited more than one week prior to the season reopening.

CHAIRMAN GROUT: Is the seconder okay with that? Further discussion on this motion? David Watters.

REPRESENTATIVE WATTERS: Mr. Chairman, just to kind of voice my concerns from what we heard from Josh that without those calculations being taken into account in the effect of the closure, we really don't know whether this would achieve the 10 percent anymore. I also don't see how law enforcement could know whether a trap is baited or not down there. I think my feeling is that at the end of the season, fine, but at the beginning of the season I think that we end up kind of undermining what we're trying to do in the first place.

MR. TRAIN: If we do vote to authorize the setting of traps early, I would encourage no baiting until the season is open; because whether you're landing or not, that trap starts fishing the day it's baited, so that season is now open the day the trap was baited so that closed season was only three weeks.

MR. McKIERNAN: The regulation could prohibit the possession of bait when the traps are on board during the setting period.

CHAIRMAN GROUT: Do you want to make a friendly amendment to your motion to reflect that?

MR. SIMPSON: I could make that clarification that was certainly my intent, that we need enforceable measures and law enforcement can see a boat going

out; and if he has got bait on board, he is in violation. You know, if you can't bait them, you can't have bait.

CHAIRMAN GROUT: Further discussion on this motion? Okay, are we all clear on the motion? Roy, you have a question?

MR. ROY MILLER: Mr. Chairman, could we see how the TC reacted to that Area 6 Proposal?

CHAIRMAN GROUT: Would you like to respond, Josh, and bring that up.

MR. CARLONI: Well, I can just kind of wing it here. Okay, yes, based upon the landings data provided in that Table 12, you would get your 10 percent in landings. As to the trap removal we recommended that the gear be taken out when the season is closed and put back in after and not allow a grace period. I don't know if that answers your question.

MR. MILLER: Just as a follow up, Mr. Chairman, could you provide that service each time we vote on one of these area proposals. Thanks.

CHAIRMAN GROUT: Absolutely! Bill.

MR. McELROY: Is it too early to call the question and have a vote?

CHAIRMAN GROUT: I was just about to do that; you beat me to it. I'll read the motion while you're caucusing. Move to approve the LCMA 6 closed seasons identified in Table 3, including a two-week gear removal and two-week gear replacement grace period during a closed season and no lobster traps can be baited more than one week prior to the season opening. Motion was made by Mr. Simpson and seconded by Mr. McElroy.

(Whereupon, a caucus was held.)

CHAIRMAN GROUT: Are you ready to vote? All those in favor raise your hand; all those opposed; any abstentions; any null votes. **The motion passes six to three to one to zero.** Okay, the next LCMA proposal that we have is LCMA 2. Is there a motion to consider LCMA 2?

MR. McKIERNAN: I have a motion and I believe it is soon to be up on the board. May I read it?

CHAIRMAN GROUT: Yes, please do.

MR. McKIERNAN: Motion by Dan McKiernan to accept the – no, that's the wrong one. **Motion by Dan McKiernan to comply with the conservation mandates of Addendum XVII to enact a mandatory V-notch program for all legal size egg-bearing females for all harvested in Area 2 beginning June 1, 2013, as a conservation equivalency for – actually, that should be 2012 as a conservation equivalency for a four-month January through April closure. The technical committee shall review the proportion of V-notched females in the catch to determine compliance in January 2014.**

CHAIRMAN GROUT: Seconded by Mark Gibson. Okay, Toni.

MS. KERNS: There is a small process issue that we have to follow here is that the addendum did not go out with V-notching as a measure; so if we adopt this in the addendum, then the board would need to consider going back out for public comment to allow for V-notching. The other approach you could take is to adopt one of the measures within the addendum and ask for a conservation equivalency to be granted using the V-notch program.

If the conservation equivalency program did not meet the requirement, then you would go back to whatever the original measure that you put in place that actually did go out for public comment. But under this motion the addendum would need to go back out for public comment.

MR. McKIERNAN: It was my intent to accomplish that by making the four-month closure the default.

CHAIRMAN GROUT: What I'm hearing here is probably a cleaner way and something that will pass muster would be to approve the season – have a motion that says we approve the season and we approve the conservation equivalency as an alternative. The point is let's put the season closure in –

MR. McKIERNAN: Sure, Doug, as long as it's one motion and not two motions; that's fine. **It would be a motion to enact a four-month closure in Area 2 as a default measure. However, at this time we want to substitute that with the V-notch program as described, mandatory V-notching of all female egg-bearing lobsters beginning June 1, 2012.**

CHAIRMAN GROUT: Exactly; I think something where it gets the season up front and then put in the conservation equivalency. Bob.

MR. ROBERT E. BEAL: Dan, are comfortable with us wordsmithing the motion to make this a two-step process; first up is approving the four-month default season and then the second step is the conservation equivalency, but both those steps will be included in one motion?

MR. McKIERNAN: Yes.

MR. BEAL: All right, give us a couple of minutes to work on that.

MR. SIMPSON: I appreciated having the early heads-up that this alternative proposal was coming, and I'll say that I think anything that keeps lobsters in the water is a great idea. It's a positive step, but I think we just spent 30 minutes scrutinizing the closed season, which was an approach that was approved – one of the very few approaches that the technical committee didn't reject and allowed us to consider.

We scrutinized the heck out of the enforceability of that and this proposal here is effectively an honor system with no enforceability whatsoever. I feel compelled to point out that just a few years ago this same board and this same technical committee frankly put Connecticut through the ringer on a conservation equivalency proposal in lieu of the gauge increase to 3-3/8 inches.

The state of Connecticut spent a million dollars to achieve the same kind of conservation roughly. About half of that went to fishermen as compensation, which they don't have to do, but \$500,000 was spent to demonstrate to the commission to their satisfaction that this indeed was happening.

All the details of the math of prorating the season during which the V-notching occurred, whether it was just before egg out or just after egg out, all of those details were scrutinized in great detail.. It cost us a tremendous amount of money, and that was because it was a mandatory element of a fishery management plan.

It wasn't a good idea that they do in the Gulf of Maine and, hey, let's try it here. Likewise, the North Cape Oil Spill; the insurance company for that oil company had an obligation to the state of Rhode Island, I'll say, and to NOAA to compensate the resource and provide a certain amount of conservation.

I couldn't get the numbers on it, but I daresay they spent millions of dollars verifying that the

conservation in fact happened. While I think it's a great idea any way you can save lobsters, this fundamentally doesn't meet under the Atlantic Coastal Act effectively implement and enforce component. There is no ability to enforce this at all, so I've got concerns.

Earlier on we talked a lot about V-notching, we talked about male-only fisheries, things that could be enforced, and I would suggest that could be an important part of this program to lend a little law enforcement support to the notion that you're going to notch females is during some portion of the year that you only land males.

So I've got concerns, I have real concerns that this is again the lobster industry for the first time facing an overall cap on harvest. They never had this before. Wait until the Gulf of Maine experiences this. It will be a revolutionary concept in the state of Maine; I know that. So, I think we need to, well, consider what the implications are for other LMAs.

I mean, frankly, there is no way Area 6 is going to actually have a closed season if what we can do is have a V-notch program that is essentially based on an honor system. It would be like saying, okay, you know, you're not going to land half of your females today, right, and everyone says right, and then they land what everybody lands. I don't think it meets that one essential element of enforceability to some degree, to some reasonable degree.

MR. CARLONI: I just had a quick comment in response to you saying that the technical committee had approved a closed season. I do not think that was the case. The original intent was have a quota based – I think it was a Southern New England exploitation reduction document – to have a quota-based and have that coupled with a closed season. I think from the beginning the TC has stood by the fact that we feel many of these landings will be recouped.

MR. SIMPSON: Real briefly; if I said the technical committee approved it, I meant the board. If you look at the reviews of options that the technical committee went through, they basically threw everything out and left us with a gauge and a closed season. So, no surprise.

MR. WHITE: I want to make sure I understand this motion. If in 2014 the Commonwealth cannot prove that this is a conservation equivalency, then the closure automatically goes into effect?

MR. McKIERNAN: Yes; the Commonwealth and Rhode Island; both states are going to provide data.

MR. STOCKWELL: A couple of questions for you, Dan. The definition of V-notch; how deep are you going to cut them?

MR. McKIERNAN: Well, the current definition is at least a quarter inch deep for notching purposes, but for possession purposes it's one-eighth inch notch of any size – I'm sorry, of any shape, one-eighth inch of any shape with or without setal hairs.

MR. STOCKWELL: Second question; the Outer Cape, are they part of this proposal or exempt?

MR. McKIERNAN: No, they're exempt.

MR. STOCKWELL: And I guess a question to you and Mark both is funding for the monitoring of this; is it sufficient from your perspective?

MR. McKIERNAN: For Massachusetts we don't have any reductions in our sea-sampling program planned.

MR. MARK GIBSON: Yes, the sea sampling is an ongoing program and the trawl survey is an ongoing program. The ventless, I don't know how far that will go, but those are the three detection methods right now.

MR. ADLER: Even the technical committee did indicate that with the sizes and seasons, the recoupage is possible, and in some of the discussion I read also that this V-notch concept does allow time that even the gauge and the seasons don't allow. In that respect I think that's a good thing.

As far as enforcement, well, you know, we can come up with how many fish got caught in the target through MRFSS and we can talk about all types of enforcement problems, but the point here is that – and, by the way, this was also brought out by the Law Enforcement Committee that you need buy-in by the industry. I think we have proved that there is buy-in by the industry with something that they can do. If you do look at Area 1, the Gulf of Maine, and how it has worked successfully –

MR. McKIERNAN: It's on the board.

MR. ADLER: Yes, there you go right there – it did work so in other words, yes, they have to monitor it, they are prepared to monitor it. They can see if it's

going to work because they know it worked in other places so they know what to look for.

I think that this is something that you'll get the industry to buy in on. The point is if you don't have the industry buy-in, then all of this is on paper and in a model. I think this is a good move, especially since you have the fallback there as well. Thank you.

MR. GIBSON: First, I know Dave said several times we have a catch limit for lobster. I'm not aware that is the case. We are considering measures which may or may not reduce catch, depending on how it's recouped from closed season and/or our exceeding the gauge in the next molt, so I disagree with that statement.

And then I'll just reiterate what was up on the board. We have two examples where the V-notch population increased very quickly with the Area 1 that Dan just showed and again with the North Cape. In addition to the North Cape we showed the fishing mortality rates plummeted. Now, it was only temporary because the program didn't continue. We have demonstrated the capability the monitor that, to monitor and detect that.

I think since we have put the default measure up there with regard to what we have to do should the monitoring fail to detect an improvement, I think we have reasonable program here. The board may need some more discussion on how the technical committee comes to a determination that the program has – well, they can decide that; but how fast the two states have to react to a technical committee demonstration, I think that warrants some more discussion, but I support the motion.

CHAIRMAN GROUT: I have just one question for clarification myself. Based on some conversation earlier today, it said the technical committee shall review the proportion of females and the standard we're looking at, based on some of the comments, is it's a 10 percent increase over the current levels of V-notch, correct?

MR. McKIERNAN: No, it's a calculation that reveal that at least 20 percent of the available females I believe are going to bear a notch, which is going to be a 10 percent reduction in exploitation. I will yield to Josh on that.

MR. CARLONI: You can do the calculations in different ways, but the point is that, as I was saying earlier, if you look at the total amount of legal animals in the population, if at the end 10 percent of

those bear a notch, that was the measure. And to Doug's point, it would be 10 percent above whatever level you guys had prior to that, which was 1 percent, so it would go to 11 percent.

MR. TRAIN: Mr. Chairman, I want to tell you I support the motion. As David Simpson said earlier, putting more lobsters back is a great idea. I've heard people talk about risk of enforcement or voluntary compliance, whatever. I have never not known V-notching, and the fishermen get behind this like you wouldn't believe. I mean, people feel good about throwing these things back. It takes a little while, it might in a new area, but it's going to be one of the best things you've done if this gets approved.

CHAIRMAN GROUT: Bob, and then I'll call the question.

MR. ROSS: NMFS just wants to go on the record noting that we support the actions in this addendum. However, because I've previously noted that it's unlikely NMFS will be able to generate regulations to complement these measures that we will abstain from the area-specific votes.

CHAIRMAN GROUT: Okay, time to caucus and I'll read the motion. Motion to approve a four-month closed season from January 1 to April 30th to achieve reductions required in Addendum XVII. As conservation equivalency for this four-month closure, approve a mandatory V-notch program for all legal-size egg-bearing females for all harvesters in LCMA 2 beginning June 1, 2012. The technical committee shall review the proportion of V-notched females in the catch to determine compliance by July 1, 2014. Motion by Mr. McKiernan; seconded by Mr. Gibson.

(Whereupon, a caucus was held.)

CHAIRMAN GROUT: Are we ready to vote on this? The TC's position was?

MR. CARLONI: We thought that this program had the potential to reduce landings by the 10 percent. I think the only concern that we had that I don't know if I stated in the PowerPoint was that if you have areas with a lot of notches in the future and a lot of eggers, fishermen could possibly move to areas that are made up of more males. In that case you may have more of a skewed ratio than is already occurring down in Southern New England. That was one of our concerns.

CHAIRMAN GROUT: Okay, all those in favor raise your hand; all those opposed; any abstentions; any

null votes. **The motion passes nine to zero to one to zero.** Okay, **LCMA 4.** Does anybody have a motion? Okay, I skipped over Area 3. We should have done that before Area 2. We have a proposal on LCMA 3. Is there a motion regarding this? Sorry, Dan, we're on 3. I started on 4 and we should have been on 3.

MR. McKIERNAN: **Yes, I have a motion for Area 3. It's a motion by Dan McKiernan to accept the Area 3 proposal to reduce exploitation by 10 percent from the 2007-2009 reference period. For Area 3 the minimum size shall be raised from 3-1/2 to 17/32 effective January 1, 2013.**

CHAIRMAN GROUT: Do we have a second; seconded by **Bill McElroy.** Discussion on the motion? Dan, do you want to have first crack at it?

MR. McKIERNAN: My rationale for making this motion is consistent with that put forward by the LCMT in the memo in the supplemental materials, which is the industry was told up front that our reference period would be 2007-2009. That concept has been in play for a while. The LCMT has effectively argued that during the period 2007-2009 there were two gauge increases and a vent increase. I think that it's reasonable given all the other conservation measures that they've had during and prior to that this go forward.

CHAIRMAN GROUT: Further discussion on the motion? Bill.

MR. ADLER: Mr. Chairman, I support this motion. Southern New England Area 3 is the part that's really in the middle of this debate, but in general the whole offshore Area 3 has been healthy. As was said before, they've jumped way ahead with all these different rules and reductions in traps, increases in gauges.

I think that they need to get this little section of Area 3, which is stuck into Southern New England. I think that it's worth supporting because they've done so much already, and this particular thing is just one more move in that direction of protecting the species in Area 3, and so I support this. Thank you.

MR. McELROY: Mr. Chairman, I support this motion as well. I think Area 3 deserves great kudos for being one of the few fishing regions that has been proactive in trying to get out ahead of the commission on many measures, particularly these latest ones with the vent increase in 2010.

I think the board would be sending a terrible message to industry to say a group that was proactive and is trying to be the lead and get out ahead of these problems would essentially be penalized because some of those measures occurred a few weeks earlier than an arbitrary deadline. I have to support this completely. Thank you very much.

CHAIRMAN GROUT: Any other discussion on the motion? What is the technical committee's opinion on this?

MR. CARLONI: The TC just thought that it only achieves 4.4 percent reduction and it didn't meet the guidelines set by the board.

MR. AUGUSTINE: Mr. Chairman, to that point, here is another case where we, the board, set such rigid sideboards on what your options were in terms of approving or disapproving particular presentations that were made in defense of trying to move the process forward; in this particular case improve the stock status by virtue of what they've done.

I think we, the board, have got to be more conscious of the fact that there are states that look outside the realm of what we are trying to do to conserve. Again, this is a perfect example where one group has taken it upon themselves to, if you will, penalize themselves. I think the board needs to be more conscious when we set the sideboards as to what we tell the technical committee is approvable or not approvable. I fully support this and call the question, Mr. Chairman.

CHAIRMAN GROUT: I was going to ask if you've called the question. Did you call the question?

MR. AUGUSTINE: I did.

CHAIRMAN GROUT: Okay, time to caucus here.

(Whereupon, a caucus was held.)

CHAIRMAN GROUT: Okay, all those in favor raise your hand; all those opposed; any abstentions; any null votes. **The motion passes eight to zero to two to zero.** Okay, now we're on to LCMA 4. Pete, do you have a motion?

MR. HIMCHAK: **Yes, I have a motion to offer; move to approve a conservation equivalency program for LCMA 4 to include both a mandatory V-notching program augmented by a closed season to achieve a 10 percent reduction in exploitation. The technical committee shall review**

the necessary required seasonal closure prior to implementation. There is a second part to the motion.

CHAIRMAN GROUT: Go ahead, but I think we're going to have to do the same thing with your motion that we did with Dan's.

MR. HIMCHAK: If the closed season extends four weeks or longer, allow a two-week grace period at the beginning of the closed season for removal of lobster pots and allow for the setting of unbaited lobster pots one week prior to the end of the closed season.

CHAIRMAN GROUT: **Seconded by Pat Augustine.** I think we're going to have the same issue that we had with LCMA 2 where we need to have a measure that is found in the plan approved and then a conservation equivalency for that measure in the motion. Is there a measure in the plan that you'd like to have approved?

MR. HIMCHAK: Toni can correct me if I'm wrong but I think the LCMT 4 achieved a 9.9 percent reduction by closing the month of May.

MS. KERNS: Your original proposal had a season closure of April 29th through May 31st. Would that be your backstop?

MR. HIMCHAK: Yes, it would have to be.

MS. KERNS: And then also if the chairman will allow, I have an additional question. The other V-notching proposal has the date at which it would be validated. It's July 1, 2014, is what the TC had indicated through the sea-sampling programs. I don't know if you want to include that or not.

MR. HIMCHAK: Well, we typically do 12 to 14 sea-sampling trips in Area 4 over the last four years, and we have targeted 18 trips for 2012.

MS. KERNS: Would the conservation equivalency program be validated through a review of the sea-sampling program in July 2014 through the TC?

MR. HIMCHAK: Yes.

CHAIRMAN GROUT: So we can include that in the motion, too?

MR. HIMCHAK: Yes, Mr. Chairman. Toni, one more question.

MS. KERNS: Mr. Chairman, one additional question for Mr. Gilmore. The TC had recognized that New York only conducted one sea-sampling trip; and in order to validate the sea-sampling for New York you would need to increase it to at least six trips. Would New York be able to produce six sea-sampling trips per year?

MR. JAMES GILMORE: The only way I can answer that right now is essentially we would plan to do that. However, this week is our budget hearing; so depending upon how that goes I'm not sure if I can do it or not, but right now the plan would be to increase the sea sampling.

MR. HIMCHAK: Mr. Chairman, I would like to add that we are increasing our lobster at-sea sampling trips from 14 to 18. New Jersey currently harvests 87 percent of the landings from Area 4, New York taking the 13 percent. Would that suffice for sufficient validation of the V-notching?

CHAIRMAN GROUT: Josh, would you like to take a crack at that. I know you don't have the entire TC

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MR. CARLONI: Yes, I would have to go back to the TC and we'd have to talk about that, but it's certainly a possibility due to the fact that you have such a high percentage of the landings if there is good spatial coverage.

CHAIRMAN GROUT: Well, maybe we'll task – if someone could make that comment, we could task the TC with looking at that. In fact, I'll task the TC with looking at that unless there is objection. Okay, are we still working on a revised motion? While they're revising the motion, just to get it into the proper procedure order for getting this into the addendum, I'll take discussion on the motion if you feel comfortable making discussion on the motion. Bob.

MR. ROSS: This is more a question for the TC. You had noted in Area 2 the concern about potential effort shift on to males due to the V-notching of the females. Did the TC discuss any concerns relative to effort shift from state to federal waters with a closure?

MR. CARLONI: Not that I recall. You're just talking about a shift from state to federal waters within the fishery?

MR. ROSS: Yes, again, there is concern relative to the enforceability in part. I was just curious if the TC

had similar discussions on effort shift due to closures similar to your discussion of a potential effort shift due to the V-notch.

MR. CARLONI: Not that I recall but we could certainly discuss it.

MR. HIMCHAK: I just wanted to elaborate on the fact that I think what we're looking for here is an approval of the methodology. The V-notching has to work in concert with the seasonal closure to come up to 10 percent. This is analogous to how we do our summer flounder regulations.

I think New York and New Jersey first have to come some kind of an agreement on what season they would close in Area 4. We would have to know that before we go to our Marine Fisheries Council where our regulations have to be approved by the council, and we would meet in March. We would have to get our Lobster Committee to meet and we would hope to have New York's input and have something that's compatible for Area 4.

CHAIRMAN GROUT: So as I understand this we don't have a specific season that is being put forward in this. It seems that there were adjustments that needed to be made because of the issue of you don't have any V-notching going on in a closed season.

MR. HIMCHAK: That's correct, Mr. Chairman. In fact, the TC members from New York and New Jersey have come up with six options on different closures running from two months to three weeks. Again, I think that's why I put in the motion about the TC approval of the required seasonal closure because V-notching would take place. It has to come up to 10 percent and we would look forward for the approval of the methodology here and have the TC say, yes, you will achieve the 10 percent with this combination.

CHAIRMAN GROUT: And if they don't approve any of the combinations, then the default goes into place?

MR. HIMCHAK: That's my understanding.

MR. McELROY: Mr. Chairman, I'm supportive of this proposal. I think it's well thought out. I think the small degree of flexibility that they're asking for doesn't put the board in any jeopardy of undermining the conservation benefits of the program. I'm fully supportive of it and I think it's time to call the question.

CHAIRMAN GROUT: I did have Tom O'Connell on my list before we call the question.

MR. THOMAS O'CONNELL: Maybe a question for Peter; I understand that the seasonal closure that's identified is likely to be the seasonal closure that's pursued for Area 5. I know Maryland fishermen were concerned with a seasonal closure in the month of May with a preference for the winter seasonal closure. I think what Peter is suggesting is that the seasonal closure needs some more discussion amongst the fishermen. I'm just concerned that the way the motion is currently written identifies that default – the closure period that Maryland could not support.

MR. HIMCHAK: Mr. Chairman, to alleviate Tom's concerns that there would be six seasonal options do not run past the end of April.

MR. O'CONNELL: So, Peter, do you think the motion needs to be modified to address those six options versus how it's currently written?

CHAIRMAN GROUT: No, Tom, that's the backstop. You have to have something that's within the plan and then they've got six options via conservation equivalency that they're going to run by the TC and hopefully there will be some finalized decision between the states on which of those six options would be preferred here and would go forward.

Okay, the question has been called. I'll read the motion while you caucus on this. The position of the TC on this is essentially that I think they've approved the default, but the conservation equivalencies will be evaluated; am I correct, Josh?

MR. CARLONI: Yes, you're correct. We looked at their original proposal and went back and said that you wanted V-notching during this closed season, so they've come up with another proposal that I have seen but the entire TC needs to look at it and give their final stamp of approval. Yes, in this area specifically it's with a hundred percent industry buy-in that they would get to that percentage of V-notching in the population versus Area 2, which is 50 percent to get that 10 percent.

CHAIRMAN GROUT: Okay, while you're caucusing, move to approve a closed season from April 29th to May 31st for LCMA 4 to achieve the required reduction in Addendum XVII. As a conservation equivalency program approve a mandatory V-notch program augmented by a closed

season approved by the TC to achieve a 10 percent reduction in exploitation in LCMA 4.

If the closed season extends four weeks or longer, allow two-week grace period for removal of lobster traps and allow the setting of unbaited lobster traps one week prior to the season reopening. The technical committee shall review the portion of the V-notched females in the catch to determine compliance by July 1, 2014. Motion made by Mr. Himchak; seconded by Mr. Augustine.

(Whereupon, a caucus was held.)

CHAIRMAN GROUT: Have you all caucused? Okay, all those in favor raise your hand; all those opposed; any abstentions; null votes. **The motion passes eight to zero, one, one.** Okay, Pete, we now have **the issue of LCMA 5.**

MR. HIMCHAK: Yes, Mr. Chairman, and again I want to give a little background there is a total – the last reported landings were 9,003 pounds in 2010 that was totally attributed to New Jersey. There may be some confidential landings from other states. Everybody from Delaware to North Carolina are de minimis.

I essentially had mentioned earlier in the proceedings that by necessity we would have to – we would go with the same combination of V-notching and seasonal closure for Area 5 and look for technical committee approval on that. We have to do that to prevent a movement within our state. I mean Areas 4 and 5 are divided in about the midway point through the state of New Jersey.

Again, the LCMT hasn't formally met but there are only three black sea bass potters and a diver on that team, and they have been in communication with me. We have been waiting to see the evolution of the Area 4 management scheme that we would then extend to Area 5. Now, my question is to de minimis states, what are their requirements under Addendum XVII? Would they have to put in the seasonal closure because that would be a critical element to prevent landings of lobsters, say, in Ocean City, Maryland.

CHAIRMAN GROUT: Toni, can you answer that question?

MS. KERNS: This is a complex question. The de minimis requirements, it's up to the board to decide what biological measures need to be put in place. The board has always had the de minimis states put in at

least the bare minimum biological measures. Because the majority of the de minimis states fishermen actually fish in federal waters, de minimis is not recognized in the federal plan, and so therefore there are no de minimis regulations.

It's actually the regulations that get approved in the document. In effect there really is no de minimis because of that. The harvest in LCMA 5, I cannot tell you what that exact harvest is because Pete has just told you what the New Jersey harvest is, and then I would be breaking confidentiality rules, but it is greater than what Pete just indicated. In the grand scheme of the Southern New England area, yes, it is a small portion, but it is greater than 10,000 pounds.

CHAIRMAN GROUT: So it sounds like the tact that you were hoping to take is that they would have the same season or V-notch or season/V-notch combination as LCMA 4. To approve this addendum we need to have some kind of a motion for LCMA 5. Would you be willing to make that motion or something to the effect that it would be similar to what LCMA 4 is?

MR. HIMCHAK: **Yes, I would, Mr. Chairman, and I'd also add that we would have adequate validation methods through a target of I believe I said five at-sea sampling trips. We have one specifically for the lobster and then we have four in the black sea bass fishery, so we would have the at-sea sampling.**

If we could put up the last motion and change and make it 4 and 5 – well, no, procedurally I don't think you can do that. If we put up the last motion and just change the 4 to a 5, would that suffice?

CHAIRMAN GROUT: It works for me. Seconded by Pat. Toni.

MS. KERNS: So the program would be validated through sea sampling, and the catch in Virginia and Maryland is greater than the catch in New Jersey. There is not a sea-sampling program that I'm aware of for Virginia and for Maryland. Can I turn to Tom to ask him if there would be any sea sampling in Maryland to validate the program because in order to go with this motion we would need to validate the program through sea sampling.

MR. O'CONNELL: Yes, our intent is to identify funds to support a sea-sampling program, but it's going to be contingent upon finding those funds and I can't confirm that right now.

CHAIRMAN GROUT: So the potential consequences as I read – and, Toni, you can correct me – is if we don't get the proper amount of sea sampling needed for the conservation equivalency portion of it, that the whole Area 5 might default back to the closed season out there. Pat.

MR. AUGUSTINE: Mr. Chairman, in view of the fact that Mr. O'Connell doesn't know if he can get funding or not, could we possibly give LCMT Area 5 a pass for 2013 with the understanding that we'll try to find funds for the following year?

It's not being tracked right now and then you have a number and unfortunately because of the confidentiality clause in this you can't find out who those people are and how much they're actually landing. To hold up the whole process for a year because we would have to have, what, five or six sea samples from a group of – a very small group of people, it doesn't make sense to hold up the whole plan. Could we possibly think along those lines of giving Area 5 an exemption for 2013? Tom, would that give you adequate time to try to identify some money to help this program?

MR. O'CONNELL: Yes, I'm fairly confident that we'll have the funding. It's just that we've got to make that commitment and we have not yet.

MR. AUGUSTINE: Mr. Chairman, could we word it in such a way that it would allow Mr. O'Connell's department to come forth – if they come forth with the money and budgeted adequately that we would implement the gathering of that information in 2013; otherwise with the understanding that you would implement it in 2014, that they have allowed that exemption. I don't know the words you want to use for that, but it seems to me that's the solution to the problem. Thank you, Mr. Chairman.

MR. HIMCHAK: Was there another state involved in this as well besides – was it Virginia?

MS. KERNS: Virginia also has landings but they're not present to answer the question.

MR. AUGUSTINE: To that point, Mr. Chairman, again because of the confidentiality, Toni, obviously you can't tell us what Virginia's landings versus what Maryland's landings. At the end of the day we need to get information from both of the states and maybe put Area 5 in as an exemption for both states to identify or come up with some monitoring program to accommodate our need for information for 2014.

It's an exception but the bottom line is if this is the only thing holding up this process, I think we're going to punch ourselves in the head for no reason at all when we get a commitment and go forward. I noticed Mr. Travelstead was in the back of the room. I'm not sure he would want to the point, but maybe it could be brought up at a later meeting where we could ask him or off record to get some kind of commitment from his state.

CHAIRMAN GROUT: I think the way it still reads, unless we have a modification to the motion, is that the evaluation is going to be done in 2014. If the evaluation indicates that they did not either because of sea sampling did not have a substantial number then defaults back to the other – the original measures, and so in that case we could leave it the way it's at if everybody is comfortable with it.

MR. AUGUSTINE: As long as that clarification is in there. You're inferring it's in there, but I think a single-line statement to clarify that and it would make it abundantly to everyone.

CHAIRMAN GROUT: If somebody wants to make that statement; otherwise we'll – wants to make a modification to the motion, either a friendly or do we just leave it as this is the board's intent?

MR. AUGUSTINE: Leave it.

CHAIRMAN GROUT: Leave it.

MR. HIMCHAK: Yes, I'm inclined to say leave it. Would not five at-sea sampling trips be sufficient for what could possibly be 40,000 pounds of lobsters landing? I mean, 40,000 pounds is the de minimis level for a given state. I don't know what other states are landing, but we're only in here for 9,000 pounds.

CHAIRMAN GROUT: Okay, given what I've heard we're just going to leave it. Is there any further discussion on this motion? John.

MR. JOHN CLARK: I just wanted to be clear. Now this closure will apply to both 4 and 5. Are there the equivalencies where 5 could have a different closure period or would it have to remain the same one as 4?

CHAIRMAN GROUT: I think the intent based on what Pete was indicating, that they'd have the exact same conservation equivalency or the default as 4.

MS. KERNS: John and Tom, the proposed closure that goes along with V-notching does not include May. It's just the default that includes May. The

other ones are anywhere from I think January to April but not including all those months, and most of them are just a one-month – about a one-month closure.

CHAIRMAN GROUT: Okay, time to caucus. I'll read the motion. Motion to approve a closed season from April 29th to May 31st for LCMA 5 to achieve the required reduction in Addendum XVII. As a conservation equivalency program approve a mandatory V-notch program augmented by a closed season approved by the TC to achieve a 10 percent reduction in exploitation in LCMA 5. If the closed season extends four weeks or longer, allow two-week grace period for removal of lobster traps and allow the setting of unbaited lobster traps one week prior to the season reopening. The technical committee shall review the portion of the V-notched females in the catch to determine compliance by July 1, 2014.

(Whereupon, a caucus was held.)

CHAIRMAN GROUT: Okay, has everybody caucused? All those in favor raise your hand; all those opposed; abstentions; null votes. **The motion passes nine to zero to one to zero.** Okay, the next thing we need to address before approving the addendum is how long these measures are going to be in place for. The addendum says they're going to be from two to four years, because remember these are interim measures. Do we have any motions on whether they're going to be in place for two, three or four years? Dave Simpson.

MR. SIMPSON: In the spirit of that, the whole conversation has been this is a start and we're going to follow up, **so I would move that they're in place until replaced by a subsequent board action.**

CHAIRMAN GROUT: Is there a second to that; seconded by Bill Adler. Discussion on the motion? Seeing no hands, are you ready to vote on this? Do you need time to caucus? Okay, all those in favor raise your hand; all those opposed; abstentions; null votes. **The motion passes nine to zero to one to zero.** Okay, now we need a motion to approve the addendum as modified today with the LCMT plans. Bill, you had your hand up first.

MR. ADLER: Mr. Chairman, **I'll move to accept Addendum XVII as modified today. Is that what you need – to approve.**

CHAIRMAN GROUT: And we have a second by Bill McElroy. Discussion on the motion?

MR. ADLER: I just wanted to check. These requirements that come through on this apply to recreational fishermen and non-trap fishermen alike; is that the intent?

MS. KERNS: That is what the addendum had stated, that the measures would be applied to all fishermen.

MR. SIMPSON: Yes, I'm certainly in support of the motion. Well, a couple of points; one before I forget it – to clarify what I was saying and Mark Gibson's response to it, I wholeheartedly agree with what Mark was saying that we haven't adopted a harvest limit here. What I was trying to say was this is the first time in lobster management that we've tried to directly address exploitation as opposed to managing minimum size, effort and so forth.

That's an important distinction and the relevance of that here is that in terms of figuring out if this addendum worked, we're not going to look a year down the line or two years down the line to see if landings went down by 10 percent. To determine if exploitation went down 10 percent you need to do a new stock assessment. That's the important distinction.

And then I just can't help observing the journey we have taken on lobster management in the last two years beginning with a moratorium and ending where we are here today. It just says something about how challenging it is to manage this particular fishery and perhaps why congress gave lobster management to the Atlantic States Marine Fisheries Commission instead of Magnuson because they wanted a more political process than a hard-nosed fishery management process that is represented by Magnuson.

CHAIRMAN GROUT: Further discussion on this motion? Anybody in the audience? Yes, John.

MR. GERMAN: My name is John German, an Area 6 fisherman. I would like to just make one comment on the process here. I'm somewhat disappointed in the process in that this addendum went out, and I was at the meeting when you decided to have it go out to public hearing, and the parameters there we were involved with were gauge size and seasonal closures.

I've heard several proposals come up and some of them even passed discussing other motions and other plans that were approved by the board here today. A lot of fishermen in different areas were not even aware of these options, and the board put it out as only two parameters we could use, and all of a

sudden these other things showed up and the fishermen were not aware of them, and now they've been approved.

Now if the board is going to make a decision and say this is what we want you to do and they put it out and the LCMTs convene and come up with their proposals, I personally feel that's what it should be and not other options. If you want other options, they should come up in a different addendum, so I was somewhat disappointed with the process. Thank you very much.

CHAIRMAN GROUT: Okay, are you ready to vote on this? Do you need to caucus? I don't see any objection. All right, we're going to vote. **All those in favor raise your hand; all those opposed; abstentions; null votes. The motion passes unanimously.** Yes, Dave.

MR. SIMPSON: To John's comment from the audience, I fully expect that these conservation equivalency motions that were approved so overwhelmingly – more overwhelmingly than Area 6, which was the only one that chose an option that was actually in the addendum, that we'll be reengaging with the lobster industry and probably have to entertain some kind of similar – the possibility of a similar V-notching program, so just expect that to be coming around.

MR. WHITE: Mr. Chairman, I know Mr. Simpson mentioned prior to us passing this that this is the first step and they plan to go forward with additional measures to limit mortality. My question is how soon do you expect to come forward with the next addendum to continue addressing the mortality issue that this barely scratches the surface?

MS. KERNS: At the last board meeting when you guys voted to move forward with the 10 percent reduction, the second part of that motion was to move forward with scaling the size of the fishery to the size of the resource and that addendum would be done through XVIII and XIX, and XIX would begin to go out for public comment in May.

I had sent a e-mail to each of the state directors that have fisheries in Southern New England to have them have their LCMTs meet in order to determine how they want to scale the size of the resource down to the size of the fishery and asked that each of those state directors report at this meeting what their progress has been to achieving those proposals for the May meeting.

MR. WHITE: Toni, does that mean that Addendum XIX then is going to lower mortality?

MS. KERNS: These were part of the questions that I had to get clarification from the board for XVIII and XIX. I had a series of questions that I had to the board on that very issue.

MR. WHITE: Well, I guess I go back to my original question to David of what is the intention as far as continuing to limit mortality and when might that take place?

MR. SIMPSON: I'm just one of 20-some members of this board. I think, as I said, we've been through quite a journey in management and taking any conservation measures through the Atlantic States Marine Fisheries Commission requires political will. It requires public will. There has been very little political or public will to see aggressive management on this resource.

That's true at every level. Where we got enormous input from the environmental community on menhaden, the only words from the environmental community on lobster were please don't shut it down, it's a vital part of our cultural identity and it should continue. This is true generally. My job is to come here and represent Connecticut as best I can, but I have no ability to set policy in Connecticut. Other people who are elected have that authority.

My boss's boss's boss has some authority to set policy to the extent he was given that authority by the state legislature and the governor. So a longwinded response, there needs to be political will to do more. Clearly, I think we know what delegations were responsible for putting lobster management into the Atlantic Coastal Act. I think it was seen to be very important to states with big lobster interests that this be done through a political process and not through a very rigid Magnuson style process, so it will come when it comes.

CHAIRMAN GROUT: I think we need to move on to the next two agenda items. We have another board meeting that has been waiting very patiently. Toni, do you have any kind of presentation or input that you'd like to go with Draft Addendum XVIII here?

REVIEW OF DRAFT ADDENDUM XVIII

MS. KERNS: I have a presentation that goes over the entire addendum which would take a little bit of time. I have a series of questions that are included in that presentation where I'm looking for guidance

from the board on what you really meant by scaling the fishery to the size of the resource and what the overall goal of that document was.

The Area 2/3 proposal was to meet that goal of scaling the fishery to the size of the resource and including in that be a reduction in traps fished by 25 percent. That's what the board had asked the addendums to do. It was stated on the record that the 2/3 proposal would meet those needs at the last meeting.

There is some guidance that I'm looking for on how that actually is achieved and what those goals really mean. The board had indicated that the 2/3 proposal; we wanted to move forward with that. If the other areas don't move forward with that and get their proposal in time, then Areas 2/3 will be moving forward and leaving behind those other areas.

I think I need a little more guidance in order to get Addendum XVIII ready for public comment than where it is right now. I don't know how we want to move forward in the interest of time. I can ask those questions and we can either answer them here today or maybe I could get a couple of board members to meet with me and give me some clearer guidance on the overarching goal and then some smaller details within the addendum itself.

CHAIRMAN GROUT: Well, Toni, I know there is an interest of time here, but I think this is an important issue that we need to move forward with this. Unless the board has an objection of that, I would like to move forward with your presentation and get that input as much as possible.

MR. McKIERNAN: Mark Gibson and I would volunteer to give you feedback subsequent to this meeting if you want to move the agenda along.

CHAIRMAN GROUT: Is there anybody else that if we were going to go with a subcommittee route that would like to be on this? Bob Ross; I'll volunteer to be on it.

MS. KERNS: Do you want my questions, Doug?

CHAIRMAN GROUT: Yes, and I'd like to maybe go through your presentation so that people are aware of what is going on.

MS. KERNS: All right, I will quickly go through. There might be some slides that I'm going to skip. This is the first slide, the purpose, so Addendum XVIII addresses the board motion to scale the

fishery. It includes the consolidation proposal from Areas 2 and 3 as revised about two weeks ago when the Area 2 LCMT met.

The addendum proposes a consolidation program to achieve the board's goal to address latent effort and potentially reductions in traps fished. In order for trap limits to be effective in reducing harvest and rebuilding the stock, we have to address latent effort. Without addressing latent effort from the fishery, any effort to consolidate the fishery can be undermined later on.

Latent effort should be addressed to prevent any increase in harvest as the stock begins to grow. The Area 2/3 consolidation proposals look at addressing traps allocated, which is slightly different than what the board had said to reduce active traps fished. The Area 2 allocation program was implemented in 2007, and the Area 3 allocation program was implemented in 2003.

Area 3 fishermen's traps have been reduced since that initial allocation program; one through Addendum I, which is the sliding scale of reductions, and then again in 2007 and 2008 with a 5 percent reduction traps and in 2009 and 2010 with a 2.5 percent reduction. The addendum looks at using trap allocations, trap banking and controlled growth.

For the proposed management tools, what is the overall goal that the board is looking to do? Is it an overall goal to reduce traps for the entire SNE area or are we looking at it by just LMA? Is the currency going to be active traps fished; and if so, what is the base year for the reduction in those active traps fished?

If we're going to use allocated traps as the currency, then is it based on the original allocation or the current allocation, and should the same percentage of reduction be across LCMAs or can it be LCMA-specific? And then what is the maximum number of years that we want to go out to achieve this overall goal?

The document proposes to do traps reductions in both Area 2 and 3. Area 2 proposes a large initial cut to remove latent traps. Area 3 does not propose an initial allocation cut because they've already had allocation cuts over time. Both proposals have additional smaller cuts to reach an overall goal.

There is transfer tax being proposed. Current regulations give us 10 and then there is a range that goes from 5 to 25 percent. Trap transfers, the

ASMFC rules allow for the transferring of full or partial traps. The guidelines for fishermen that fish in multiple LCMAs is different for a full or a partial trap.

When you do a full trap, you're allowed to keep your multi-area history in your transfer; but if you only transfer part of your trap allocation, when the fisherman who is buying the trap, they actually have to designate which area they're going to fish and they no longer have that multi-area ability. The question is do we want to set the same rules for full and partial or allow them to be different?

The proposal also looks at trap caps for each area. Because there are a differing number of allocations, it's different for each area. LCMA 2 proposes anywhere from 600 to 1,000, and LCMA 3 it's a sliding scale of trap reductions starting at 2,000 and going down to 1,800 for the Southern New England over five years and down to 1,513 for Gulf of Maine and Georges Bank over ten years. Trap banking, bank traps are owned but not fished. They're held in a banking account. One of the questions that's not clear in the document is who would develop the data base and track these banked accounts.

Any entity or permit can establish a single banking account for each vessel. One of the questions I have is does the vessel or entity have an allocation – do they have to have an allocation to establish a banked account or do they just need a permit? Entities cannot exceed the ownership per cap of their banked and active traps together.

The different LCMAs have differing amounts of traps that can be banked. The document also looks at an ownership cap. This is just the maximum number of traps that an entity may own in an area so it's the combination of the total number of active traps that they can have and then total number of banked traps that they can have.

Entities who own a trap above the cap in each area would be allowed to keep their allocations above the qualified trap, but transfers of traps after the date of implementation would still be subjected to the ownership cap. These numbers differ for the ownership cap depending on which area.

It also proposes controlled growth to allow an entity to move annually traps from their bank account to their active account at some predictable rate for business reasons. It applies to the individual's allocation by LCMA and not the individual's total allocation. For Area 2 they propose moving

anywhere from 100 to 400 traps per year. Area 3 proposes moving 1,000 to 900 traps per year.

Lastly, the document looks at giving a designation to Area 3. Because Area 3 spans all three biological stock areas, we propose to separate into three designations. Fishermen would annually designate which area they would fish in. It's part of the permit renewal process, and they can change it from year to year. The fishermen would be bound by the most restrictive rule for the area that they designate, and they would have to designate one specific area.

Looking at an annual review, the performance of reaching the goal would be reviewed on an annual basis, but we would need to identify what the goal is for each year, which hasn't been done through the programs. The review would consider the number of traps transferred, the rate of the transfer, the degree of the consolidation taking place. We need to set a compliance date and recommend measures to NOAA.

CHAIRMAN GROUT: Okay, we have a series of questions that need to be answered here on this, and I think we've got a subcommittee here that we'll put together to try and address these. Some of these, as I looked it, are definitely going to need to have overall board overview or discussion on it, and we may be able to come up with some recommendations on some other ones.

In the interest of time, my intent here would be to have the subcommittee meet and we'll come back with an addendum at the spring meeting ready to hopefully move forward for public hearing at this point. Dave.

MR. SIMPSON: I think the one essential part of this is for the technical committee to develop the nexus or the connection to conservation. What is the conservation relevance of this addendum? There has to be one ultimately for adoption and enforcement of this measure. This is largely economic. These are largely economic questions that I think are best handled by the jurisdictions in question. The individual states and to the extent that they need to work with their neighbors for compatibility they need to do that and the federal government in federal waters. This talks a lot about shaping the fishery in the image that each individual jurisdiction would like to see.

To date, although I've asked multiple times from the technical committee can you make a connection between the number of traps fished and exploitation, any kind of conservation element, they haven't been

able to provide that. I think that's essential if we're going to move forward as a commission on this topic as opposed to letting individual jurisdictions, state and federal, handle this topic.

CHAIRMAN GROUT: Bonnie, you've had your hand up for a long time; I'm going to give you a chance. I understand the intent here is we're going to bring this forward ready to move forward in the spring at least for consideration here, and this will be one of the top items on the agenda.

MS. BONNIE SPINAZZOLA: I'd like to recommend that LCMT Chairs be a part of that subcommittee as well.

CHAIRMAN GROUT: Do we have any objection to something like that, having the LCMT Chairs being involved? I don't see any objection to that so we will have that.

MS. SPINAZZOLA: Okay, thank you. A couple of things about what David was saying, what he was referring to; I think it's very important for everybody to realize that this was originally strictly an industry initiative to consolidate their fishery, to get rid of latent traps and to bring fish traps in line with where they're fishery is right now.

Also, we looked at things such as wind farms and everything else that's taking place out there, and we realized there is not enough room for the fishery that exists presently, which is the impetus for this. Area 3 has been for the last ten years reducing traps, we've reduced 30 percent. Our initial decision – actually the technical committee long ago told us that if we reduced 50 percent we would be in pretty decent shape out offshore.

We've been reducing and we plan to reduce an additional 25 percent, which will bring us down to 55 percent. Area 2 has recommended reducing their fishery by 50 percent. We feel as though that this is something that we are not asking credit for. We are not asking the technical committee to give us a number. We are not asking that the board feel as though this is something that we're going to throw out there.

Therefore, many of the questions that David put forward such as what does this mean conservationally, that's great if the board wants to decide that, but I don't feel or I don't think it would be right to hold it against passing this addendum. This is common sense that the industry has taken this and wants to move forward to protect their fishery, to

work towards sustaining their fishery, and, yes, it is definitely an economic situation.

If you look at Addendum III, one of the nine, whatever they are – I know what they are – or eleven or thirteen of however many rules there are, when Addendum III was set up, one of them was to look at the economics of the fishery, which is where we went in Addendum IV when we recommended transferability and this board approved it. I would like to throw that out there and just say please remember we're not asking you for credit. We just want to be able to reduce the size of our industries to meet the size of our fishery. Thank you.

CHAIRMAN GROUT: And you want us to develop an addendum to make sure it happens amongst all your boats because you can't do it on a voluntary basis.

MS. SPINAZZOLA: No, that's why we're asking you for regulations, because voluntarily people say, sure, we'll do it, but if the neighbor is not doing it or the guy fishing next to him isn't going to do it, then he is not going to do it, which is why we need you to make a regulation to allow us to pare down the fishery. It's so that everyone will do it.

CHAIRMAN GROUT: Okay, we'll take that into consideration in our subgroup, too. Toni.

MS. KERNS: I just need to report to the board that – I was hoping ACCSP would be here to give this report. The lobster trips availability data base was supposed to be completed and ready for sort of the trial period of the data base on April 1st, but it is not going to be ready on April 1st. I'm trying to determine with ACCSP when it will be ready and they have not given me a final answer on that. Once I know, I will report that to the board. That data base is needed to move forward with these transferability programs.

MR. ROSS: I would just like to jump in here quickly to state that NMFS is in rulemaking now, as we indicated at the last board meeting, to implement transferability. We're very appreciative of the efforts by the LCMT 2 and 3 that have worked with us going forward on measures in this Draft Addendum XVIII.

Some of these measures directly relate to transferability. We are obviously engaged and very receptive to working with the subcommittee on moving this draft addendum forward in a timely manner so that we can capture as many of these

additional transferability proposals as possible in our rulemaking as we go forward. Thank you.

CHAIRMAN GROUT: Pete, I'm going to ask in the interest of time do you have any objection to putting off this overview of technical committee discussion regarding New Jersey's stock? We have a response from the technical committee to some of your questions. Pete.

MR. HIMCHAK: No, I'd simply like to say that I appreciate the time that the ASMFC staff and the technical committee have invested in addressing our concerns. We learned and we move on accordingly.

OTHER BUSINESS

CHAIRMAN GROUT: Okay, thank you. Under other business, we had my letter and we'll put that off and we'll make it an agenda item at the spring meeting. Bonnie, is this really, really important. We're very, very, very late.

MS. SPINAZZOLA: I'm sorry, Mr. Chairman. There was one motion that Dan had to look at Addendum XVIII and change the words "25 percent fished" to "full allocation" or "initial allocation". The only reason I bring this up now – and I realize you're probably not happy – is because if we create a subcommittee it will be important to know whether we're looking at traps fished or traps allocated. Frankly, the reason traps fished should be changed is because the way traps are determine whether they're fished or latent or whatever is different in every state and the federal government, which doesn't even look at – you know, can tell you or will determine what latent means.

The only other thing, too, is if traps fished are reduced by 25 percent all you're really doing is leaving latent traps in the fishery. I'd like to ask if we can very quickly – if people can agree to it very quickly. Otherwise, we can leave it alone.

ADJOURNMENT

CHAIRMAN GROUT: Unless there is objection to this, I think this is an issue that also needs to be addressed at the subcommittee. This is a very big policy issue and not something we can do quickly. Okay, with that being said, are there any other items that need to be taken up right now? Thank you very much; I appreciate your work today.

(Whereupon, the meeting was adjourned at 11:32 o'clock a.m., February 7, 2012.)