

PROCEEDINGS
of the
ATLANTIC STATES MARINE FISHERIES COMMISSION
AMERICAN LOBSTER MANAGEMENT BOARD

Doubletree Hotel
Arlington, VA
May 8, 2006

ATTENDANCE

Board Members

Pat White (ME)
George Lapointe, ME DMR
Sen. Dennis Damon, (ME)
John Nelson NH F&G
Rep. Dennis Abbot
G. Ritchie White (NH)
Rep. Dennis Abbott (NH)
Dan McKiernan, proxy for Paul Diodati
Bill Adler (MA)
Vito Calomo, proxy Rep. A. Verga (MA)
Mark Gibson RI DEM F&W
Everett Petrino, Jr. (RI)
Gil Pope, Proxy Rep. E. Naughton (RI)
Eric Smith CT DEP MF
Lance Stewart (CT)
Sen. George Gunther (CT)
Gordon Colvin (NY)

Pat Augustine (NY)
Brian Culhane, proxy Sen. O. Johnson (NY)
Pete Himckek, Proxy for David Chanda (NJ)
Erling Berg (NJ)
Roy Miller, Proxy for Patrick Emory (DE)
Bernard Pankowski, proxy Sen. R. Venables(DE)
Bruno Vasta (MD)
Russell Dize, proxy Sen.R. Colburn (MD)
Bill Bruitt, Proxy for Jack Travelstead (MD)
Catherine Davenport, proxy for Ernest Bowden
(VA)
Kelly Place, Proxy for Sen. John Chichester
(VA)
Preston Pate (NC)
Rep. William Wainwright, Proxy for Jimmy
Johnson (NC)
Harry Mears (NMFS)

Ex-Officio Members

David Spencer (AP Rep.)
Penny Howell (TC Rep)
Joe Fessenden (LEC Rep)

ASMFC Staff

Nancy Wallace
Bob Beal
Vince O'Shea
Toni Kerns

Guests

Ted Colburn (OTF)
Joan Frate
Roger Frate
Bonnie Spinazzeta (AOLA)
Chris Moore (NMFS)
Tom Meyer (NMFS)
Tom Fletcher (NMFS)
Peter Burals (NMFS)
Tom McCloy (NJFW)

Alexander Pesaire
John Roy
John Curtis
Ted Stahill
Michael Theiler
John German
Mart Mansi
Nick Crismak

TABLE OF CONTENTS

PUBLIC COMMENT.....3
ADVISORY PANEL REPORT.....5
ADDENDUM VIII.....6
MONITORING AND REPORTING SYSTEM.....11
V-NOTCHING.....29
COMPLIANCE REPORT.....45
OTHER BUSINESS.....47

ATLANTIC STATES MARINE FISHERIES
COMMISSION

PUBLIC COMMENT

AMERICAN LOBSTER MANAGEMENT BOARD

Doubletree Hotel Crystal City
Arlington, Virginia

May 8, 2006

- - -

The American Lobster Management Board of the Atlantic States Marine Fisheries Commission convened in the Washington Room of the Doubletree Hotel Crystal City, Arlington, Virginia, Monday afternoon, May 8, 2006, and was called to order at 2:00 o'clock p.m. by Chairman John I. Nelson.

CHAIRMAN JOHN I. NELSON: I'd like to bring this board meeting to order. Welcome to the American Lobster Management Board. My name is John Nelson. We have a quorum here. It's nice to see you all. You have a draft agenda in front of you, or you should have it.

BOARD CONSENT

Are there any changes to the agenda? Seeing none, we'll adopt the agenda as it is. How about the Proceedings from February of '06; any changes to that? Without objection, they are adopted.

Next on the agenda will be public comment. Before we get to public comment, let me just give the public a sense of how we try to run the meetings. We get public comment for any thing that is not on the agenda right now that you wish to bring to the attention of the board. During the agenda items, if there's motions, we would certainly provide the opportunity for the public to provide comment.

Usually what we do is to go and get pro and then a con; and after a period of time, if it's the sense of the chair that it's pretty much unanimous on how things are going, we usually come back to the board.

The last time around I probably should have given more time to the cons since there weren't any pros, but we'll try to do it as fairly an approach as possible. We don't want to beat things to death. We want to keep moving things along here. So having said that, any public comments for us?

MR. JOHN GERMAN: My name is John German. I'm an Area 6 fisherman. I'm also President of Long Island Sound Lobstermen's Association. I want to talk just public comment quickly about the statement that you just made. The last meeting we had, we had 3 fishermen fly up here from Area 6. We had an Area 6 addition to an addendum, and that's why we flew here.

We were the only 3 fishermen at the meeting. And, when the public comment came time to speak on that addition to the amendment, I was the only one allowed to speak. The other 2 fishermen were not allowed to speak. Like I said, there were only 3 fishermen here, and I felt we were witnessing the breakdown of the whole process here.

We were told you knew what you were going to say by you, Mr. Chairman. We would like the opportunity to speak when we come up here; that's why we come. And to add insult to injury, when I got home, I got this Fisheries Focus here -- I'm sure you all get it all of the time. It's written by Mr. O'Shea.

And 3 sentences here I'd like to comment on: "Regular readers to the Fishery Focus know that the public comment is an intrical part of the Commission's Fisheries Management process", which the other fishermen here were cut out of.

Also, "Public comment frequently moves commissioners in a general direction away from their initial positions", which they did not have the opportunity to speak at the last meeting.

And also, as a final comment from the thing here, it says, "Fishermen and other interested groups are encouraged to provide input on the addendum, either by attending public hearings or providing written comments".

This opportunity was not afforded to any of the fishermen here who had to take the day off to fly at their own expense. I would also like to comment on the meeting ended 2 hours earlier than normal. It ended at 3:30; it was scheduled to go to 5:30, so there was ample time.

I think any fisherman that comes here -- there are many more here today -- since that fisherman is what

gives this board, I think, any credibility, they should be able to comment as much as they can. Also, I did not hear any of the members of the board here come up and say the fishermen should comment.

I guess it was fine with everybody that we just shut up and sit down. And with that, I will sit down. Thank you.

CHAIRMAN NELSON: Thank you, John. Pat, did you have a comment before I go to any more public?

MR. PATRICK AUGUSTINE: Thank you, Mr. Chairman. I understand that there's school children -- I would say children -- some young adults who are going to participate in a program in Connecticut, and I'm wondering if you have them on your agenda to have an opportunity to make a brief presentation?

CHAIRMAN NELSON: We did not hear anything about that, Pat. Let me just go to folks in Connecticut. Eric, do you have any presentation of a group that would like to make any comments?

MR. ERIC SMITH: In the context of the letter that was faxed down the Commission staff on Friday, that suggested to me that there would be one or more representatives of a vocational aquaculture schools in Connecticut.

I don't know if they're here. I want to say a few remarks eventually about the legislation that recently passed in Connecticut, which brings in the vocational aquaculture schools into this whole notion of developing a new V-notch program. So at the right time, Mr. Chairman, I'll have some remarks on that legislation, and then you may want to call on them.

CHAIRMAN NELSON: Okay, Eric, why don't we do that after Number 7 on the Agenda, then?

SENATOR GEORGE GUNTHER: Mr. Chairman, Senator Gunther.

CHAIRMAN NELSON: Doc.

SENATOR GEORGE L. GUNTHER: I'd like to say that the teachers in the Aquaculture School System are here -- the Bridgeport School, the Sound School and the New Haven, and also the one in Eastern Connecticut. I believe you have one of each; don't you? So they are here. I think they probably might like to say something if they want to, at the

proper time, or whenever you want to hear from them.

CHAIRMAN NELSON: Okay, why don't we put them right after Number 7, after the Compliance Reports? All right, other public comments? Yes sir.

MR. BART MANSI: Mr. Chairman, members of the Commission, my name is Bart Mansi. I am a representative of the Connecticut Commercial Lobstermen's Association, which represents approximately 90 percent of the commercial fishermen in Connecticut.

As you know, we have been working very hard the last year to put together a V-notch Program for LMA 6. We thought we had everything in place last year, and, unfortunately, lost the funding at the last day. We went back to our legislators and we spent countless hours in Hartford to get the funding to implement our program.

This year we had major support not only from our senators and state representatives, but also from the Speaker of the House. Fortunately, we were successful and we received \$1 million to start our program. We also went one step further. We partner-shipped with some education.

We're going to use students from the Connecticut Sound Schools to do our V-notch program. We can use the students to verify what we are doing, and we can use the money to notch as many lobsters as we could at a cost that is three-quarters less than what we were going to spend last year for verification.

We hope the Commission will give us a little time to get our program started by holding off on the 1/32 gauge increase that's scheduled for July 1st of '06. Let the industry use the V-notch Program as a conservation measure. Thank you.

CHAIRMAN NELSON: All right, thanks, Bart. I think if there's other comments on that, why don't you plan on coming up; and when the school groups come up and talk about that V-notch Program, if you want to make additional comments at that time, you could do so at that time.

CHAIRMAN NELSON: Anyone else in the public wants any further public comments? Yes sir.

MR. ROGER FRATE: Thank you, Mr. Chairman, for letting me come up and speak. My name is Roger Frate, a fisherman for forty-five years

in Area 6; President of Long Island West End Lobster Associate. Our association is all for the V-notching.

I'd just like to tell you that we've been, along with Doc Gunther, fighting to keep this Sound right and trying to get our industry back. Since 1999, we've had a die-off of about 90 – 100 percent. I'd like to tell you that since then it was the West Nile. We got, I think it was \$4 million dollars from SCURGE. CHEMANOVA has given \$12.5 million for the pesticides.

I'd just like to say I don't know why we're being restricted by the government and state when it's a chemical kill. I've been talking back and forth -- I just can't believe that we're having anything -- we're for the V-notching, if anything.

CHAIRMAN NELSON: Roger, could I interrupt you just for a minute? I think this is the topic that you folks want to discuss when the V-notching Program comes on, which is after Item Number 7. So, if you want to get up at that time and go over your points on this, I think that would be the appropriate time.

If anyone else wants to speak on the V-notch, we're going to basically be talking about that after Item Number 7. Any other public comments? Okay, seeing none, let's come back to the board. We have the Advisory Panel Report.

ADVISORY PANEL REPORT

MR. DAVID SPENCER: Thank you, Mr. Chairman. The AP had a conference call April 21st regarding the items contained in Addendum VIII, and the following recommendations we'd like to make to the board were reached by consensus:

The first recommendation was to move forward to adopt the new reference points in Addendum VIII, with the one caveat that we did have a question that at this time I would like to ask the chair of the TC.

That question was there's some confusion among industry members as to what the term "abundance" means in these terms of reference, so I would ask that question. Thank you.

CHAIRMAN NELSON: Penny, do you want to answer that?

MS. PENNY HOWELL: I'm Penny Howell, the Chair of the Tech Committee. The way we have used "abundance" for the reference point is

to take the measure of recruit abundance; in other words, the animals that are just under legal size -- one molt below legal size -- and the estimate of the legal-sized animals and add them together.

So when we say "abundance", we mean all those animals, both males and females, that will become legal in the fishing year; in other words, one molt size under -- plus all of those that are legal in the fishing year. We have measured that over twenty years, and that becomes the median reference point that the new plan talks about.

MR. SPENCER: Thank you very much. Again, the AP reached consensus that we do recommend that the board moves forward to adopt the new reference points.

The second recommendation was to adopt a monitoring and reporting system in each state and agency, but allow states flexibility in implementing their plan.

And, by "flexibility", we meant -- and it was the way we were able to reach consensus -- that reporting not be mandatory for every single individual, that a representative sample would supply the TC with the information that they requested, but not make it mandatory for 100 percent participation.

The third recommendation was that we move toward a single uniform data collection that is consistent in each state and agency, and that the state and federal agency should work cooperatively to ensure there is no dual reporting including industry members that can be identified as dealers and harvesters.

There was quite a bit of concern that the fishermen didn't want to come home and be filling out two, three and four reports. They don't mind filling out one even if it's carbon copied, but some sort of sensitivity we would ask be given to that notion.

And the last recommendation was we were very pleased to hear that the Transferability Committee has indeed met and want to offer our encouragement that they continue to meet in discussing uniform measures for transferability. Thank you.

CHAIRMAN NELSON: Thank you, David. Questions for David? George?

MR. GEORGE LAPOINTE: Just a comment. Could you go back one slide, please? In a bit of a Freudian slip, "dual" might be the correct --

D-U-E-L might be the correct wording for reporting in Maine before we're done with this.

CHAIRMAN NELSON: I think it was correct for Maine, wasn't it? Any other questions for David? All right, David, thank you very much. Public?

MR. NICK CRISMALE: Good afternoon, Mr. Chairman and members of the board. My name is Nick Crismale, President of Connecticut Lobstermen's Association and member of the ASMFC Advisory Panel. I'm also speaking on behalf of John Whitaker, also from Connecticut, on the Lobster Advisory Panel.

We would like to ask the Lobster Technical Committee on behalf of Area 6, since the 1999 Conservation Efforts in Area 6 have included trap reductions, as well as the 1/32 size increase, New York and Connecticut lobstermen have also sold nearly 142,000 trap tags back to the states to help reduce fishing effort for lobsters by approximately 19 – 25 percent.

During discussions with the Connecticut Lobstermen Industry at meetings of the Connecticut Lobstermen's Association, two questions regarding the effects of these conservation measures have continuously reoccurred.

One is the effect of the -- we would like to know what the impact of the gauge increase from August 11, 2005 -- what the impact on egg production biomass is in Area 6.

And also since the landings data is one of the most important factors associated with the new biological reference point, and median threshold levels, how does this permanent reduction in effort from the trap buy-back program affect the Area 6 Stock Assessment?

And does the industry get the credit for this reduction? We would like to ask this of the Technical Committee, if we can get some kind of response in that in the near future.

CHAIRMAN NELSON: I think that Penny has written those down, I believe. When we get to the Technical Committee Report, I think that would be appropriate at that time for her to give you those answers. Is that okay to wait until then?

MR. CRISMALE: That's fine. I was just responding as a member of the Advisory Panel and

David has spoken. I thought it might be appropriate at this time to just mention it and request this.

CHAIRMAN NELSON: Well, if we were putting David on the hotspot, you know --

MR. CRISMALE: I took him off it.

CHAIRMAN NELSON: We'll have Penny address those.

MR. CRISMALE: It's a team effort.

CHAIRMAN NELSON: Any other questions of David? Okay, seeing none, that brings us to the next agenda item, which is the Review and Consider Approval of Draft Addendum VIII.

ADDENDUM VIII

MS. TONI KERNS: Thank you, Mr. Chairman. If you do not have copies of Draft Addendum VIII, there is one on the back table, as well as summaries from the written comments in the public hearings. Staff is currently passing out the summary from the Connecticut Public Hearing.

We had hearings in Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut and New York. In Maine there are a total of four hearings with eighty-one attendees at all of those four hearings.

In New Hampshire there was one attendee; in Massachusetts there was attendee; Rhode Island there was seven, and I believe in Connecticut there was about fifteen attendees; and in New York there were eighteen attendees at the hearing.

There were a total of nine written comments, including comments from The Atlantic Offshore Lobstermen's Association; The Downeast Lobstermen's Association; the New Jersey Council of Diving Club; The Massachusetts Lobstermen's Association, and The Maine Lobstermen's Association.

Under the first issue within the Addendum is the Biological Reference Points. The first option within the Addendum is to stay status quo, to continue on with the egg per recruit F10. There was one person that spoke in favor of staying status quo with F10. One of their reasoning's was that if the data is inadequate for management, then how can we use it for management, so how could we change the reference points?

Under Option 2, the new reference points that are recommended through the assessment, the Targets and Thresholds, there were fifty people that spoke in favor of these reference points, and the majority of comments were that these reference points were much clearer and more transparent to the industry.

There was one comment that said they wanted to move towards these new reference points, but that 3-year average is too short and that we should have a 5-year average when looking at the abundance and the fishing mortality numbers for the Targets and Thresholds.

Under Monitoring and Reporting, there were thirty-four commenters that were in favor in some form of reporting, but not as outlined in the options of the addendum. They did not pick specific options, but were definitely in favor.

Many of the comments included that they don't want the data to be tied to their name, the vessel, or a pinpoint location of where they're fishing. Most say they would like to see some sort of tear-off where their report just becomes a number that only the state would have the information for so that it's known that they've turned in their reporting, but their name never carries on.

The report should be compatible among all states and the federal government and that we have no duplicate reporting. I also heard comments that the data collected should only be that that is necessary for the stock assessment and to try to keep it as simple as possible for the industry.

We should include a voluntary recreational data collection or monitoring system; that the data collection would not be 100 percent mandatory, but have a certain percentage of the fishery report to get a representation of the states' fishery, but not make everyone turn in information.

For states like Maine, the public felt that there would be too many permit holders for the state to be able to collect that much data.

Under Option 1, which is status quo, to not have any mandatory monitoring and reporting, there were forty-six in favor. One of those comments that was received was that there is not enough staff in Maine to collect data from the entire fishery.

Some industry members felt that we already collect the data that is needed. Others felt that you would not get accurate landings' information from

fishermen. Others felt that they shouldn't have to turn in landings' information if the dealers are already reporting that information.

Then under Option 2, The Coast-wide Mandatory Reporting and Data Collection Program, there were three in favor. Their comments were the same as those that were in favor of reporting in general, but there's actually three that spoke in favor of this particular option. That is the general senses of the public's comments. I will take any questions.

CHAIRMAN NELSON: All right, questions for Toni? Staff recommends that we split this up a little bit and deal with the reference points first and then go into the reporting and monitoring because there are some sub-factors under that to consider. Can we get a motion on the board regarding the reference points? Dan.

MR. DANIEL J. MCKIERNAN: Thank you, John. I have a motion. Under Biological Reference Point 2.0, move to replace the over-fishing definition known as F10 established by Amendment 3 of the Interstate Lobster Plan with a new over-fishing definition and biological reference points as described in Addendum VIII under 2.3.2: "New reference points for each stock shall be based on median abundance and median fishing mortality over the time period 1982 to 2003".

CHAIRMAN NELSON: Is there a second to that? Pat Augustine seconds. Discussion on the motion? Go ahead, Mark.

MR. MARK GIBSON: As I said on the record last time, I have some concerns about adopting median fishing mortality rates that are based on this relatively short timeframe. Before I could support this, I'd like to know some more information on how long these interim reference points would be in place, and when we'd expect the sized-based assessment model to be useful for management purposes, and how are these interim reference points going to address over-fishing that's been documented in three successive peer-reviewed assessments at this point in terms of truncation of the size composition?

It just seems to be sort of open ended at this point. I understand it to be interim reference points, but I don't see any clear path where we get away from these. We could very well institutionalize the over-fishing that's been going on for decades if we take this action. I need to hear some more about where we go after this.

CHAIRMAN NELSON: Penny, do you want to address that?

MS. PENNY HOWELL: I can tell you our thinking and you can make your own decision from there. Over the twenty-two years that we are basing the medians at least in Southern New England and also in the Gulf of Maine, there was quite a difference in stock abundance. It does go over quite a long time period in terms of what the stock status was.

But you're right; it's twenty-two years, which for this species is not an extraordinary long time. To address your second concern about how long these interim measures are going to be in place, I can't answer that because we're working on it, and I don't have a time certain on how long this will take.

All I can say is we're not sitting back and doing nothing. The Tech. Committee is meeting with Yan Chen to get his length-based model up and running.

We're looking for a way to use the length-based information, the size-based information, which gives us a much more quantitative answer. But being able to build in a little bit more of the uncertainty, get away from some of the assumptions of equilibrium that we know at least in parts of Southern New England are just not tenable any more, so we plan on working on this over the summer.

If all goes well, it will go fairly quickly, but I, at this point, can't tell you how long it's going to take to get a product finished.

CHAIRMAN NELSON: Okay Mark, thank you. Penny, thank you. Other questions on the motion?

MR. HOWARD KING, III: Yes, thank you, John. What change would the harvesters see immediately if this is adopted?

MS. HOWELL: Well, this is preempting my whole presentation about F10 versus the new in order to answer that question. It changes the perception of the status of the stock in the Gulf of Maine and Georges Bank. There is language in the new reference points for the transition areas from Georges Bank to Southern New England.

I don't think personally it changes anything in Southern New England. The stock condition in Southern New England is poor any way you look at

it. That's kind of a broad-brush answer, but at this point I think that's the only way I can address that.

CHAIRMAN NELSON: Well, Mark, let me go around first to see if there's anyone else before we come back to you. Harry.

MR. HARRY MEARS: Thank you, Mr. Chairman. I'd like to follow up with a question similar to Mark's question on looking at the potential new reference point with regard to size structure of the population given that recent stock assessments has demonstrated or concluded that there is growth over-fishing in the population.

I guess my specific question is to what degree has the Technical Committee looked at, either in the short term or the longer term, the importance of incorporating an alternate reference point that would at least be predicated upon the size distribution?

MS. HOWELL: I'm hesitating because I don't quite understand your question, but let me at least throw a little bit of information out and then you can maybe rephrase it.

We did look at the length frequency and the commercial catch and the length frequency in all of the indices over the twenty-two year time period and saw only a very little change, so the truncation that occurred due to growth over-fishing occurred long ago, in the very early part of the time series in Southern New England and a little bit later in Georges Bank. I'm not sure if that's the nexus of your question, though.

MR. MEARS: I think it is. I believe what you're indicating is that when you looked at the twenty-three year time series, that whatever you saw of larger lobsters in the population probably occurred nearer twenty years ago than ten years ago; is that correct?

MS. HOWELL: Yes.

MR. MEARS: Is there any apprehension at all on behalf of the Technical Committee that that type of robust size distribution is no longer in the population?

MS. HOWELL: Again, I'm trying to answer your question, although I don't really know what you're asking. We're fairly confident that if we stay with the median measure, that the stock condition will not be compromised; that it's very robust; it's a very transparent measure that if the

median is met and exceeded, which is what the target does, that the stock status will be maintained.

We're apprehensive about moving to a length-based reference point at this point because we don't think that the way it's been structured is true. The way the model was structured; it was making too many assumptions about equilibrium conditions and equilibrium growth, which are no longer attainable. So we would rather stay with something that does not have the size structure of the population, no computation in it until we can feel more confident that those computations are truly characterizing the population that's out there.

CHAIRMAN NELSON: Harry, all Technical Committees have some apprehensions. All right, coming around this side, I had Mark and then I'll go to the audience.

MR. GIBSON: I thought Howard's questions was a good one. The primary consequence of going to these is there's no action required in the Gulf of Maine.

I would follow up with a question of what happens to Area 514 under this recommendation? The history of what's happening with lobster is becoming pretty clear to me that you have an Area 6 failure; Area 2 decline in abundance; the offshore areas in the south of the range, people are pulling up gear and moving further north because of the declining catches, the south-to-north erosion and performance and an inshore to offshore erosion and performance.

I just question the rationale of leaving an area just remaining, you know, productive area without having to take any measures. I think Massachusetts has adequately pointed out what's happening in 514 as did the assessment report. So what happens there?

I just don't see how these reference points get us to where we need to get to. I don't have the confidence with them yet, based on the discussion.

MS. HOWELL: Well, the only comment from a technical standpoint is the status of 514 does not change regardless of which reference points you go with. The Technical Committee decided 514 belonged in the Gulf of Maine and the Gulf of Maine would be assessed as a single stock.

That's the way it was before, and the people that were most familiar with the fishery there felt strongly that it should stay that way even though they're fairly

adamant about the condition in 514 being far different than the northern part of the stock.

So I think those two issues need to be separated in your mind. The status of 514 needs to be dealt with as a separate issue of how you might want to accept a new reference point or not.

CHAIRMAN NELSON: All right, let me go to the audience for public comment on the motion. John.

MR. GERMAN: My name is John German. I wanted to go along with Mark Gibson's train of thought here in that it's too short a time period on these biological reference points, these BRPs. And I noticed it's from 1982 to 2003. I would prefer to see it go about another 10 years, which in the addendum it says that we should actually have a longer time period.

I would like to know why in Southern New England, they're even shorter, from 1984 to 2003. I would recommend that we at least go along with the rest of the coast in 1982 to 2003. We're cut two years shorter for some reason or other. I have no reason why. But in the realm of everybody being the same, I would like to see the BRPs extended. Thank you.

CHAIRMAN NELSON: Thank you, John. Penny, to that point.

MS. HOWELL: John, the reason why we started in 1984 is that's when the Connecticut Survey started and the survey indices are critical for the assessments, so we have two years less data than the other two areas.

MR. GERMAN: The only thing is Connecticut is not all Southern New England. I don't know if you know that or not, but that's a little tiny part of it. Thank you.

MS. HOWELL: Well, the indices are what we use.

CHAIRMAN NELSON: Other public comment on the motion? Yes.

MR. MIKE TYLER: My name is Mike Tyler. I'm a lobsterman from Northern Connecticut. I'm also the Vice President of Connecticut Commercial Lobstermen's Association. I, in fact, also have concerns.

Some of it is regarding the recovery in Area 6, specifically the fact that landings and the lobster

abundance seems to be growing in Eastern Long Island Sound, quicker than in Western Long Island Sound.

We had a study that was done with the research money back in 2000 by Carmella Comeau that was titled "Seasonal Variations in Sediment and Bottom Water Chemistry of Western Long Island Sound; Implications for Lobster Mortality". That was published in the journal Shellfish.

Since then, at the last Lobster Health Symposium in Long Island, Dr. Comeau stated, "You fishermen have made a poor career choice. The Western Long Island Sound Fishery will never return to pre-1999 levels".

If that analysis is accepted, then wouldn't it be prudent to exclude some of the landings or all of the landings from Western Long Island Sound in regard to the new biological reference points and median levels?

There are some serious concerns that water quality issues, including temperature and hypoxia, would make it almost impossible to restore these stocks as we once saw them.

If we include Western Long Island Sound in the biological reference points, the median levels, we could be creating an unrealistic population target for Eastern Long Island Sound and Central Long Island Sound.

Connecticut DEP reported that ten lobstermen landed 40 percent of the catch and 24 lobstermen landed 60 percent of the catch in Connecticut in 2004. I believe that the bulk of these landings originated in the east.

Furthermore, why is there little or no trawl sampling done in Eastern Long Island Sound? We had this discussion at the LCMT meeting recently. What we have is our trawl survey indices are mostly concentrated in the central and western basins with relatively no sites done in the east in October, November, and June -- and this is forthcoming in this year's surveys.

And we actually have additional trawl sample tows in the west, but yet ignore the healthier increase in populations in the eastern 3rd part of the Sound.

The other real issue here that I see that has to be addressed as well is -- if we do go to this, will we have a new timeline, or are we -- I mean, how is the process going to work here for us on the LCMT level?

Do we start from scratch again? Do we have a new timeline? I noticed on the front of the addendum it says that we're building stocks for 2015 and beyond. Are we looking to extend this timeline ten years, five years?

The only other question or comment I have is that with the realignment of areas, that if in Area 6 we in fact decided to do some sort of drastic measure, that we feel like the effect would certainly be diluted by the new alignment of areas, including the Southern New England down through New Jersey and shore waters as well as the Hudson Canyon. Thanks.

CHAIRMAN NELSON: All right, thank you. Any other public comment on the motion?

MR. TYLER: Do you think you guys -- Penny, do you intend to comment on any of those, or you guys just no comment?

CHAIRMAN NELSON: I don't think we're going to take -- I don't think we're going to comment on them. The board has heard the concerns that you have raised and they can assess that. Any other public comment on the motion?

All right, back to the board. Any other comment on it? Are you ready for the question? Do you want a caucus? Okay, I'll give you a one-minute caucus.

(Whereupon, a caucus was held.)

CHAIRMAN NELSON: We just had to refine what the motion was, so let me just read it here for a moment:

Under "Biological Reference Points 2.0, move to replace the over-fishing definition known as F10 established by Amendment 3 of the Interstate Lobster Plan with a new over-fishing definitions and biological reference points as described in Addendum VIII under 2.3.2, Option 2".

Then the rest of it is an explanation about what else is in there. **Okay, in parentheses, ("New reference points for Gulf of Maine and Georges Banks Stock shall be based on median abundance and medium fishing mortality over the time period 1982–2003, and from 1984–2003 for Southern New England".**

Okay, is everyone clear on that? All right, ready for the vote?

All those in favor, please raise your right hand; opposed, likewise; abstentions, one abstention; null votes, no null votes. The motion carries.

We will now tackle the easier one, and that will be the second part of this Addendum, which would be the Monitoring and Reporting System. I'm looking for a motion associated with that. Dan, go ahead.

MONITORING AND REPORTING SYSTEM

MR. MCKIERNAN: John, my motion -- just a brief explanation -- is not to adopt either of the two options in the Addendum, but actually kind of a hybrid. What I'm going to suggest through a motion is that all states adopt the kind of data collection that we in Massachusetts have, which is an annual recall log at the minimum standard.

If other states have more comprehensive trip ticket reporting systems, that's great; but I know that Maine does not, and I would suggest that as a "walk before you run strategy" that we would adopt as a compliance measure that kind of a action.

So I have a motion, which is to "Adopt Option 3, to expand coast-wide mandatory reporting and data collection with modifications.

For collection of fisheries-dependant catch-and-effort data, do not mandate the two-ticket trip level system; instead require states to collect, at a minimum, catch-and-effort data summarized monthly by NMFS Statistical Areas in an annual recall log format from each permit holder.

Trip level transaction data shall continue to be required of all dealers involved with the primary purchases of lobster. States will be required to implement this program by 2008".

CHAIRMAN NELSON: Did I get a second to that motion? Thank you; Pat Augustine. All right, let's have the discussion associated with this. Gordon and then Dennis.

MR. GORDON C. COLVIN: Mr. Chairman, there's text on the screen that wasn't read with the motion. Would you clarify that, please?

CHAIRMAN NELSON: Dan, you want to go over that again to make sure what your motion was?

MR. MCKIERNAN: Yes, the first part of this motion is just on the mandatory reporting from

the industry. I have other parts of the motion. If you'd like, I can continue with that:

For collection of fishery characterization and biological data, mandate at-sea sampling programs into port-sampling programs, which is in the addendum.

And then finally, For the collection of fisheries and independent data, states should work cooperatively to implement trawl surveys, ventless trap surveys, or young-of-the-year surveys in each NMFS statistical area".

CHAIRMAN NELSON: Dan, you work with Dave, right? Dave's motions have been a little bit long-winded, too.

MR. LAPOINTE: Part of their professional training programs.

CHAIRMAN NELSON: All right, I had Dennis.

REPRESENTATIVE DENNIS ABBOTT: Thank you, Mr. Chairman. My only question, if you can help me out, is this didn't go out to public hearing; is this motion in order?

CHAIRMAN NELSON: Well, that's what I was asking staff to make sure. I have been told by staff that this is less restrictive than what went out; and therefore unless somebody else has some ideas as far as that it is not, I'm going to let it stand. Anyone else have any ideas on that? I'm looking toward staff when I say that, of course. Seeing none, let's have the discussion continue on it. Pat.

MR. AUGUSTINE: Thank you, Mr. Chairman. For clarity sake, because there are 3 separate elements of this reporting, would it not be clearer to take it one section at a time? I'm asking for advice on this one; if it would, then I would suggest we split the motion.

It appears that for "collection of fishery-dependent catch-and- effort data do mandate the trip ticket" as one; the second one would be the next item, which is "collection of fishery characterization and biological data mandated at sea" would be a second one.

The third would be "for the collection of fishery dependent --maybe two of those go together, but I think, for clarity sake and for understanding sake, it might be easier if we looked along those lines. I'm asking for suggestions from staff.

CHAIRMAN NELSON: I don't have any problem with it. Dan, are you comfortable with doing it that way?

MR. AUGUSTINE: Then so move, Mr. Chairman.

CHAIRMAN NELSON: There was a friendly motion, so we'll take each one individually.

MR. AUGUSTINE: Then I'll second all three of them.

CHAIRMAN NELSON: Yes, I know it.

MR. AUGUSTINE: Move it along, Mr. Chairman.

CHAIRMAN NELSON: All right, George, go ahead.

MR. LAPOINTE: Thank you, Mr. Chairman. I'll save my notes for the other motion if this one doesn't go. Some of my concerns about reporting I've talked about before, and I'll talk about again.

I'd like to know from Dan what it cost to run this type of system. I'd like to know from, I think, Penny, if she has the information, if it yields the information that people are looking for in regard to effort.

I'll tell you why I've asked the second question. We've had a lot of discussion about collection of data in Maine, and in those discussions, when we've talked about this alternative and others, people start dissecting what they think they might be able to get away with, or what they think they can live with and what they can't.

My concern about that is I don't know of what they're talking about compromising on -- and that's my word and not theirs -- gives us useful data to advance what we're doing in lobster management. So I want to know if this is a good way of getting effort data?

CHAIRMAN NELSON: George, are you asking for all three components that were up there, or are you asking--

MR. LAPOINTE: I'll just stick with Component I for now.

CHAIRMAN NELSON: Penny, how do you folks feel as far as that level of information?

MS. HOWELL: Well, whenever you ask a Technical Committee, we want all of the data we can get our hands on if you want a good answer out of us. When you ask us to equivocate how bad can the data be before we can't give you a reasonable answer, that's a little difficult.

I think going along the lines of what Mark Gibson's concerns were, since we're going with median and ratio reference points, it puts as much or more weight on these landings' data. To the extent that the fishermen want to divide up things into smaller pieces like 514 and some other things, it puts even more weight on the need to have accurate data, both effort data and landings' data.

If the recall system -- Massachusetts seems to think that the recall system is giving them as good data as a trip-by-trip, then we have no problem with it. I would wonder whether that was indeed the case. The more you start asking fishermen to recall what they've done over a long time period, the more difficult it is for us to believe that this is the best information we can get.

MR. LAPOINTE: Just to that. In asking the question, I'm not trying to criticize what other states have done. I hope people know that. I'm just trying to figure out how to make a good judgment.

CHAIRMAN NELSON: Dan, did you want to describe how effective yours might be and how much it costs?

MR. MCKIERNAN: We have about 2,000 permit holders who report lobsters, and this includes our inshore fishery, the offshore fishery, the non-trap sector and some student lobster permit holders. I believe we run it with two people -- we can crunch all of this data. We also are getting the dealer reportings that come in independent.

I think this is our first year we're going to be able to crosscheck or corroborate the fishermen recall information with information that's coming out of the dealers about purchases. And this has opened up a new view of some of these transactions.

What I mean by that is we have some fishermen who haven't been reporting that they -- and in fact, are selling to dealers and other dealers who are buying and not reporting to us. So we're in the process of capturing all of this data for the first time. So it's

better now than it ever has been, thanks to the dealer reporting.

CHAIRMAN NELSON: Pat.

MR. PATTEN D. WHITE: I'm not sure if this is for Dan or Penny, but I originally understood this requirement to aid us in trying to get a CPUE out of this, and I don't understand really how it's going to become more accurate than it is right now in that we have -- you know, each state has how many trap tags they issue and how many pounds are landed. Is it expected that information will be different when it comes in on a logbook than it is in the statistics that we're getting from the states?

MS. HOWELL: Well, the only thing I would add to that is we want to know not how many trap are out there, but how many trap hauls it took to catch what you caught, if you understand the difference.

MR. WHITE: I absolutely do, but the largest paranoia that we have, amongst the many in Maine and I think it's true in some of the other states, is if indeed there is some allocative system coming at us down the road, there are many people in Maine that are not fishing as many traps as they buy tags for.

I'm one of them. So if I'm reporting that I'm fishing the 500 tags that I have and I land "X" number of pounds, it really isn't giving you the information that you need. And, are we better off to have more explicit information on 20 percent of the people than we are this type of information on 100 percent?

MS. HOWELL: The more explicit the information we get, the better. I don't know about the 20 percent part. The more explicit the information -- we need to link the trap hauls, the number of traps you actually used and how many times you've used them and how much you've caught when you use them. That's the two things we need to pair. The more we can pair them by area and by season, the better the analysis will be.

CHAIRMAN NELSON: Other questions? Mark?

MR. GIBSON: Not a question, but the number of trap tags ordered is meaningless in terms of effort. We can look at our own information, whether it be Massachusetts or Rhode Island, and see that many people don't fish the number of trap tags

that they've ordered. The number of traps not necessarily is a particularly good measure of effort.

If you're going to get to a catch-per-unit index, you're going to have to have the landings and detailed effort data, as Penny has suggested in the form of trap hauls. Short of a mandatory sea-sampling program where you have observers on every boat, I don't see how you'd get it without a logbook.

Now I'm open to discussions about whether it's a recall log at the end of the year or whether it's a logbook on the vessel, either way Rhode Island does it and presumably Connecticut, but I just can't see in this modern era with fisheries worth so much -- and in view of what was said about data collection and our peer-reviewed assessment, we have to have some form of catch-and-effort reporting from the industry.

CHAIRMAN NELSON: Okay, thanks, Mark. Other comments on the motion from the board?

MR. SMITH: Thank you. I strongly believe that the best data is trip level in all fisheries, particularly in this one. You don't have a recall bias. You get the best area season specificity. You get the effort, as Mark just pointed out, in trap hauls, which gives you better catch-per-unit effort calculations.

That should be our goal, but it's going to take time for people in all areas to come to closure on that. It's going to be debatable, it's going to be hotly debated, and I understand that. There's nothing wrong, in my view, of this motion as an improvement over the current circumstances that exist today, as long as no one thinks that it should become the standard.

So on that basis, I'd be inclined to support it because it's an improvement and continue, perhaps through more effective outreaching with ACCSP or however we do it, to try and get the point across that if you really want to know something of importance in a stock assessment point of view, you have to have a detail on catch and the effort associated with that catch; and trying to aggregate it at the end of the month, you begin to lose quickly the utility of that data.

CHAIRMAN NELSON: Thank you, Eric. Harry, did you have a comment?

MR. MEARS: Yes, Mr. Chairman. I similarly have problems with the adequacy of requiring a recall-type process, especially given the

recommendations in the Stock Assessment Report for very specific trip-by-trip information.

One technical comment I have -- and I guess it's for Dan, the maker of the motion -- the next to last sentence implies that there's already a requirement in the interstate plan for dealer reporting.

I don't think that's the case. Should the words "continue to be" be stricken from the motion? I guess that's a question for the maker of the motion.

CHAIRMAN NELSON: Dan.

MR. MCKIERNAN: Yes, if it's not a part of the plan now, I guess we'll strike it. I was under the impression that it was.

CHAIRMAN NELSON: So the "shall continue" --

MR. MEARS: The words "continue to be" shall be required, yes.

CHAIRMAN NELSON: Let me just go back to Penny just for a minute to provide clarification. I understand what you want as far as detailed information. The Technical Committee, did they talk about something along these lines; and if they did, what was the sense of the value of that?

MS. HOWELL: Yes, we did talk about it at length. The TC talked about what we would require, or the minimum requirements, and it's outlined in the Plan 3.3.2, Option 2. The two-ticket system, as was already mentioned, is a way to verify what we're getting in from the landings from the fishermen versus the dealers.

Since an awful lot of the catches are reported as a cash-over-the-dock landing, we don't want to be in a situation where fishermen aren't allowed to sell to whomever they want to sell to. And it that's a cash sale, then they put it in the logbook and we're never going to get that from a dealer.

CHAIRMAN NELSON: Thank you, Penny. Bill.

MR. WILLIAM A. ADLER: Thank you, Mr. Chairman. Technical Committee, if you got the report of how many traps were fished, how many pounds were landed, how many set over days and in what areas and what percentage were in what areas, if there are more than one, I can't figure out what else

you would need in information to use that stuff right there.

I know what we do is, when we report on a monthly basis, it's not guesses. You've got slips and you don't try to remember what you reported in June when you figure it out at the end of the year and you're filling in your monthly report. You've got the slips to prove it, and that's how you do it.

Now, nothing's perfect, I know, and, I mean, even the numbers could be skewed. But, doesn't that sort of give you what you need without making it too complicated for everybody?

CHAIRMAN NELSON: You were asking me that, Bill? Penny, do you have a comment for that?

MS. HOWELL: Not every state has the organization that you've got, the slips and everything. The state of Maine, this is going to be all new to them. And to the extent that they have to recall over a month, if the recall is all very accurate and well done, then you're right, that's all the data we need.

MR. ADLER: Mr. Chairman, if I may?

CHAIRMAN NELSON: Go ahead, Bill.

MR. ADLER: I'm trying to keep it simple, and yet you just said that if you had that type of information -- now, remember, information is as perfect can be just like science is as perfect as it can be -- but trying to keep it simple so you get something.

And if you've got that type of information, you probably would have what you needed. And going back to keeping it simple, you get daily logbooks and you get into that. Now I'm not saying if a state has a few fishermen, not many, or it likes having logbooks, nobody is excluding that idea.

But, I'll you, they'll have to take over Augusta and build new buildings and staff it. It doesn't need to be that confusing, particularly when that type of information you just said would really help you; and it wouldn't have to be done on a monthly basis, a daily basis, a logbook basis.

And as Dan brought out, it could sort of ease into getting everybody online -- and we'll talk about the confidentiality later -- but I think it gets things started. This is why I think that that information, if

you can get that even at that level, I wouldn't worry about the recall as much.

CHAIRMAN NELSON: Thank you, Bill. Pat wanted to respond to that particular point, and then Vince, and then Everett.

MR. WHITE: I just had a question. There's a boat out of Green Harbor, a blue boat, that fishes, and when he fills out his annual log and it says how many pounds of lobsters he's caught for the year, how does he estimate how many trap hauls he's had?

MR. ADLER: Because we have set over days. You have to put down set over days. So if you hauled 200 traps and you had "X" number of days, does that answer your -- I mean, I don't know what other question would get to that other than that. I presume that that would be how you'd calculate catch, you know, the traps you hauled, the pounds you caught, how many days did you go between traps. How else could you -- doesn't that do it?

CHAIRMAN NELSON: Thank you, Bill. Vince.

EXECUTIVE DIRECTOR JOHN V. O'SHEA: Thanks, Mr. Chairman. I have 2 questions. The first one is really quick, and that's at some point -- it says "2008", but I don't know if that's January of 2008 or December 2008? You maybe need to look at that before you deal with this motion.

The second question is, I know in other fisheries in other areas the two-trip ticket system where you have both the dealer and the harvester reporting at the same time generates a high confidence level.

I understand on a daily trip report where the harvester comes to the dock and he might see an enforcement person, he's going to have to deal with the issue of whether or not he's filled out his logbook and does it match up with the harvest that he has on board. What I'm not sure about, from an enforcement standpoint, how an annual recall log would be enforced.

CHAIRMAN NELSON: Thank you, Vince. Everett, before I get to you, Dan, were you thinking January 1st?

MR. MCKIERNAN: I was.

CHAIRMAN NELSON: It sounds like a plan.

MR. MCKIERNAN: I was also going to clarify for Pat the details of our annual recall log. Fishermen are asked the maximum of number of traps they had in the water for the month; the average number of traps hauled per trip, the number of trips they took in that month, and the average set over days.

CHAIRMAN NELSON: Wait a minute; I've got other folks.

MR. WHITE: I just wanted to ask him a question on that. And they remember all of this on December 30th?

CHAIRMAN NELSON: I have Everett.

MR. EVERETT PETRONIO, JR.: In reviewing this, I know we broke it into three parts for ease of use, but I wanted to interject into this discussion probably something that we're going to talk about later, which is whatever we decide here, I think that we need to have an eye on, at the fishermen's level, making sure that we're consistent.

I know one of the other things that the Technical Committee is talking about is wanting to ensure that the reporting requirements are consistent all across the board. Whatever we pick here, whatever we pick be something that we think eventually we can have fishermen not have to have multiple reports that they need to fill out. I know that we need to move in that direction, and I'd like to interject that consideration in this part of the discussion.

CHAIRMAN NELSON: I think that, though, has already been dealt with. You're doing it under ACCSP if you're a state-licensed individual. If you happen to be federal, you're doing it basically the same way or as far as reporting, so you're only reporting one way. That's all it should be. It shouldn't be reporting twice. Is that what you were asking, Everett?

MR. PETRONIO: I think so, but I'm not just not sure. I mean, eventually we want to really standardize this as best we can, and that's really -- at the end of the day, it's 6:00 o'clock at night; they don't need to filling out seven forms.

CHAIRMAN NELSON: No, and I think the intent under the ACCSP Program is to have a uniform reporting system; and whether you are doing that under a federal license or a state license, it should be essentially the same and you're only doing

it once. Let me check here, the list is getting longer. I had Mark next.

MR. GIBSON: I think the short answer to Patten White's question is at the end of the year, the fishermen fills out his recall log based on his own logs.

There's a whole bunch of lobster fishermen in the audience I have ridden on some of their boats, and I haven't seen one yet that doesn't write down something every time he pulls a string of pots or something.

Presumably there's information from these individuals that they'll reconstruct the annual recall log from and they won't have to remember everything.

CHAIRMAN NELSON: Thank you, Mark. Gil.

MR. GIL POPE: Thank you, Mr. Chairman. You mentioned earlier about less restrictive and more restrictive, and I'm a little bit confused on that as to whether this is more restrictive or less restrictive to everyone in general, or it could be more restricted to some states and less restrictive to others.

CHAIRMAN NELSON: That was not the point. The point was what went out to public hearing as far as what we had as our options. It didn't matter what the state had in place at that particular time. So it's less restrictive than what the option originally called for.

MR. POPE: And that's what confused me because normally when we do certain things, it's more restrictive. If it's more restrictive, the state is doing a more restrictive something, then it's all right. You just can't do something that's less restrictive. Am I right on that?

CHAIRMAN NELSON: Not for a public hearing process. Maybe it is in Rhode Island, but I can't --

MR. POPE: Okay. As far as the accuracy the data is concerned on transferability, will this new data system, if it's adopted, will it be used for statistical purposes only, or will they also be used for future allocation? That's kind of what Pat was alluding to later on down the road.

If the ASMFC or other bodies should decide to go with IFQs, ITQs, and allocation purposes, will this be a part of it so that if people are reporting certain

poundage's and if it's a new way of recording, will their logbooks now be used for allocative purposes as far as what they will get and won't get in the future. This could affect the accuracy of the information in a big way. Thank you.

CHAIRMAN NELSON: Thank you, Gil. Let me get some public comment on the motion, and then I'll come back to the board. Anyone in the public have a comment on the motion? Okay, I've got to come back to the board.

MR. PETER HIMCHAK: Thank you, Mr. Chairman. New Jersey, we're getting a mixed message here. We can only support the status quo in Addendum VIII. We have no at-sea sampling program. We have no dockside-sampling program at present time. Our compliance report recognizes that we could qualify for de minimis status.

By our voting against a motion where you need better data, it's not that we don't support the concept, but the size of our fishery; we can't take on the additional burdens. So if the status quo wasn't adopted in Addendum VIII, then we would apply for de minimis status.

CHAIRMAN NELSON: Thank you. Anyone else want to make a comment on the motion, Phase 1 of the 3. Harry.

MR. MEARS: Thank you, Mr. Chairman. I do not support the motion as indicated earlier, but for those that are inclined to support it, I'd like to suggest a minor change in wording. Where it says, "summarize monthly by NMFS statistical areas", I'd like to add the words "and LMA" after "areas" because we do have areas that comprise more than one lobster management area.

And having just gone through qualifying historical participation applications, that information becomes unbelievable critical when you least expect it.

CHAIRMAN NELSON: And I don't see any objection from the motion or the seconder for that point. All right, are you ready to caucus on this? I see you are. Okay, take a minute.

(Whereupon, a caucus was held.)

CHAIRMAN NELSON: Let me read this: Under Monitoring and Reporting 3.0; move to adopt Option 3 to expand coast-wide mandatory reporting and data collection with modifications:

For collection of fisheries-dependent catch-and-effort data, do not mandate the two-ticket trip level system. Instead require states to collect at a minimum catch-and-effort data summarized monthly by National Marine Fisheries Service statistical areas and LCMAs in an annual recall log format from each permit holder. Trip level transaction data shall be required of all dealers involved with primary purchases of lobster. States will be required to implement this program by January 1, 2008.

And just as a further clarification for everybody's edification, "primary" means the first purchase under the ACCSP Program.

It's the first time that the lobster is purchased, so "primary" means first. Ready for the question? All those in favor of this motion, please raise your right hand; no, likewise; abstentions, 1 abstention; and null votes. Motion fails.

That gives me a parliamentary question, then. Let's scroll up to the next one.

MR. SMITH: Mr. Chairman, would you call the vote, please, how it came? Was it 4, 4, 1?

CHAIRMAN NELSON: No, you had 3, 5, 1. Dan, you're next 2 motions --

MR. MCKIERNAN: Can we delay discussion on the other two motions until we settle this one? Is this settled?

CHAIRMAN NELSON: This is settled; it failed.

MR. MCKIERNAN: Right, okay.

CHAIRMAN NELSON: So, the next two, since they hinged on this one, seem to be lack of necessary to act on those, I would think.

MR. MCKIERNAN: No, they're separate. This is now data collection on the fishery, sea-sampling program and port-sampling program. But there won't be any more discussion on reporting? Done?

CHAIRMAN NELSON: Just a minute. What I'd like to do is actually get the monitoring and the reporting components done. Actually, since you have the motion there, I guess I'd like to see them both tabled for the time being, or I would be in favor of that. Dennis.

REPRESENTATIVE ABBOTT: Thank you, Mr. Chairman. I'll make a motion to table those two parts of the original motion.

CHAIRMAN NELSON: Who has seconded that? Pat, thank you. All right, let's go back to the reporting concept. You have a couple of options in front of you. All those in favor of tabling; opposed, likewise; abstentions, 1; null. Okay, that passes. Those are tabled for the time being. Back to the options before you. Who would like to make a motion so we could have the discussion on these options? Okay, time for a break.

(Whereupon, a recess was taken.)

CHAIRMAN NELSON: If the board members can take their seats, we'll proceed. Welcome back from the break. I'm sure everyone is refreshed and ready to go. I think the last time we left, it was a question of I'd like to have a motion on the Reporting and Data Collection System. Ritchie.

MR. G. RITCHIE WHITE: Thank you, Mr. Chairman. I'd like to make the following motion: move to adopt Option 2, Section 3.3.2, but amending Number 3 of the Minimum Standard Section to read "Harvesters will report by statistical area and LCMA"; and delete the last sentence of the option "sufficient at-sea sampling can replace port sampling or vice versa".

CHAIRMAN NELSON: Okay, Mark has seconded that. Discussion on the motion? Go ahead, Pat.

MR. WHITE: On the motion, could you please have that under Mr. Ritchie White?

CHAIRMAN NELSON: We'll think about that. All right, comments on the motion? George.

MR. LAPOINTE: Thank you, Mr. Chairman. Everybody knows that this is a difficult issue for Maine, and I'm going to recommend my two fellow commissioners vote against this. Again, not because it's not the right thing to do but simply because at this point we've worked hard on trying to advance the idea of mandatory reporting and haven't gotten very far.

I asked my staff what they thought this would cost to implement, and they estimate between \$150,000 and \$200,000 a year, and at least one and possible two staff members that I can't hire right now.

It would involve the handling of at least half a million records, and we have in the state of Maine -- myself, my fellow commissioners, and my staff members have worked on the issue of reporting in the lobster fishery for over a year, and we haven't made sufficient progress.

It's not something I have any confidence that we can through our political process right now. So I don't see this as -- again, I'm not talking about the need for data, but I'm just saying that this is something that I cannot get through in the state of Maine right now, so I'm going to have to vote against it.

CHAIRMAN NELSON: Thank you, George. Other comments on the motion? Bill.

MR. ADLER: My one-third will be against this. I think it's making it more complicated than it needs to be. When you're dealing with 10,000 fishermen up and down the coast that this could affect, I will call on the Paper Reduction Act here.

This is just too much, particularly to get started with, and I think that it's too complicated, and I don't think it needs to be this complicated.

CHAIRMAN NELSON: Thank you, Bill. Let me go to the public for comments then. Public comments for the motion? All right, how about public comments opposed to the motion? All right, anyone want to say anything? All right, back to the board. Vito.

MR. VITO CALOMO: Seeing that I'm one of the other 3rds for Massachusetts, I'll also support not supporting this. I'm beside myself how the first motion failed because the old adage on fishing, being a fellow fisherman myself, is to kind of keep it simple.

I don't like the stupid part, but the KISS System has always been my favorite in fishing because most of the item you're out at sea and it's not that easy sometimes to make a sufficient record, but you do get it together. I'm definitely will not support this. Thank you, Mr. Chairman.

CHAIRMAN NELSON: Thank you, Vito. All right, are you ready for the question? Why don't you caucus and then we'll take the vote.

(Whereupon, a caucus was held.)

CHAIRMAN NELSON: All right, everyone ready? All right, all of those in favor of the motion, please raise your right hand; opposed, likewise; abstentions; and nulls. Bruno, you abstained? And any null votes? Well, it's a tie. The motion fails. All right, what's the suggestions from the -- Vito?

MR. CALOMO: Mr. Chairman, can I make a statement and just ask for a plea of the prevailing side on the first motion to have a reconsideration vote, if you were on the prevailing side. That's the winning side. I think an opportunity was missed here.

This is pretty basic reporting, and we from Massachusetts are doing pretty basic reporting, but it is reporting. I would ask that you think about that if you're on the prevailing side. Thanks.

CHAIRMAN NELSON: Okay, thank you, Vito. What's the pleasure of the board? Bruno.

MR. BRUNO VASTA: Thank you, Mr. Chairman. Maybe what Vito has to say has some merit; and if it's got to be put in the form of a motion to reconsider that thing again, I'd be glad to do so.

REPRESENTATIVE ABBOTT: Point of order, Mr. Chairman?

CHAIRMAN NELSON: Let me just check on one thing first, Dennis, and I'll come right back to you. Bruno, had you voted previously on that motion? No, you had not. You abstained, so you cannot bring it back. It has to be someone who voted in the negative that would do that. Dennis, was that your point?

REPRESENTATIVE ABBOTT: That was my point, but it would have to be someone from the positive side -- excuse me, from the winning side; the negative side.

CHAIRMAN NELSON: Well, in that case it was negative. It was a three to five vote. If we're not going to do anything on this option, then my sense is that we are remaining with status quo as far as the reporting system. Mark.

MR. GIBSON: I would reiterate Vito's plea. Given what has been said with the value of this fishery and by the peer-reviewed assessment, this board is going to look very foolish by not taking any action from full reporting in this fishery. That was the most strident comment that was made by the peer reviewers.

CHAIRMAN NELSON: Gordon.

MR. COLVIN: I couldn't agree more with Mark, but on the other hand that's no excuse to adopt a program that doesn't satisfy the needs of the next assessment either. I heard some comments that suggested that there were concerns held by members of the board, including members of the board who voted no on the last motion about an annual recall-based program.

I think the problem is that we need, perhaps, to work a little harder and longer to find middle ground between the two motions. I don't know that we can necessarily get there today. It's pretty hard to construct something that's not on the table that lies between those two extremes.

But I suspect that there may be something in the middle there that's approvable, and I'll just throw that thought out to see if anybody else is like-minded.

CHAIRMAN NELSON: Thank you, Gordon. Dennis, I had you and then Ritchie.

REPRESENTATIVE ABBOTT: Thank you, Mr. Chairman. Having voted on the prevailing side of that motion, I possibly could entertain a reconsideration motion. But, having voted against that motion, I would again, as Gordon said, feel that I would vote against that particular motion again. I think that we should not leave this table without a reporting system.

I think that's the most important thing that we should do today. I think we have to keep the discussion alive; and if it takes a motion to reconsideration to look at that and to possibly modify the previous motion during our discussions, then I think maybe we could go in that direction.

CHAIRMAN NELSON: Certainly any amendment can be offered during the discussion. Ritchie.

MR. WHITE: Question on point of order. On the last motion that failed in a tie, can either side ask for that to be reheard?

CHAIRMAN NELSON: It failed. Since it failed, the folks that voted no would have to move that one. Eric.

MR. SMITH: Well, I sort of had the same thought that Mr. White had. We could move to

reconsider either one of these and try and construct something that the group found favorable. I'm not sure how you would do that.

There's flaws with either one. The second motion you have the two states with the largest fisheries in terms of numbers of people that are really going to have a logistic nightmare to gear up right away to do that kind of catch reporting, even though it's the right thing to do.

On the other hand, the first motion that failed is the walk before you can run, try and get better than you are now, hopefully you improve; but Gordon is quite right, it's not going to be good enough.

We're going to get the same kind of an assessment result five years from now that's going to say, you know, for the value of this fishery, it's shameful that you're not collecting what you need.

So I'm not sure which one that you could build on to craft an approvable motion, but I guess in one sense, with what Ritchie said, I'm not sure I agree that we have to leave the table here -- or maybe it was Dennis that said that -- today with a reporting system.

Let me ask you this; today we're probably going to start the next addendum. That's the schedule we had started out to do. We would do reference points and catch statistics in Addendum VIII, and then we would do Rebuilding Schedule and Management Strategies in Addendum IX.

If we think that we're not going to make Addendum IX an 800- pound gorilla by deferring this issue into that addendum that we're going to deal with from now until probably November, maybe it's better to defer it into Addendum IX; and then what Gordon is saying makes sense, you put people together and try and craft a better compromise position.

I have two reservations with that. It makes Addendum IX into the 800-pound gorilla because we've now got a loaded new issue in there, and those other two are already loaded enough, and it may not be a good idea to defer it.

If we don't think we can accomplish that kind of a compromise in the next iteration, we're better to just bite the bullet today, as Dennis said or Ritchie said, and do it today the best we can and figure out which one of those two motions is more likely to pass with a little bit of retooling. I didn't help the chairman at all there, but I feel better.

CHAIRMAN NELSON: Eric, you always are helpful. Was your sense then if -- let me speculate a little bit here. I'm using you as the target. So is your sense that if the first motion that was offered by Dan was brought back and had some time certainty as far as duration in which after that there was an intent to have a more elaborate reporting system that the Technical Committee would be working on developing based on the information they got, i.e., a five-year scenario, that then that would be something that would be a building block?

MR. SMITH: Actually, that's a fairly elegant way of approaching it. In two years you have to have the monthly summary, annual submitted approach; and two years after that, you go to the full-blown thing, I mean, trip level reporting. That could be a strategy.

I wouldn't suggest that we would give that to the Technical Committee or even the PDT. You might want to have a sub-committee of the board who are going to have to deal with the political and financial repercussions of this.

The design of it is fairly simple in the sense that three or four states and the federal service all have trip level reporting, and ACCSP is built on it. The design isn't as difficult as figuring out how in the world Maine and Massachusetts are going to accomplish this. So, a phased approach, maybe that's appropriate.

CHAIRMAN NELSON: Okay, and my sense was what you were saying, Eric, is that you would put this in place by what had been proposed by 2008, so there was basic monitoring.

The Technical Committee has already told us what we need to have as far as information, and so the ultimate goal would be at some timeframe after that 2008 implementation date, there would be that next step, and that would be the intent to have a more elaborate reporting system -- perhaps Option 2. That would be after a three- or four-year initial reporting concept in place. Is that what you're sense was?

MR. SMITH: Yes. As a stocking horse or a talking point, if you will, to see if somebody in the prevailing side on essentially that first motion, finds it attractive enough to offer the motion to bring it back.

CHAIRMAN NELSON: Okay, right now I'm looking for a prevailing side person to make a motion to reconsider that motion, and then we would

add the amended version to it. Dennis, I see you raising your hand.

REPRESENTATIVE ABBOTT: Thank you, John. For the purpose of discussion, I would like to offer a motion of reconsideration for the previous action that we took on the motion offered by the Commonwealth of Massachusetts, if that's in order.

CHAIRMAN NELSON: Second by Vito. All those in favor of reconsidering that motion, please raise your right hand; 7 in favor; opposed, likewise, 2 opposed; abstentions, 0; null votes, okay, none on that. Motion to reconsider passes 7 to 1.

MR. LAPOINTE: I have a parliamentary question.

CHAIRMAN NELSON: All right, go ahead.

MR. LAPOINTE: If we do a motion to reconsider, can you amend a reconsidered motion?

CHAIRMAN NELSON: Yes.

MR. LAPOINTE: You can?

CHAIRMAN NELSON: It would be the motion on the floor. We've already voted to reconsider that motion, so now it's open to fair game again.

MR. LAPOINTE: All right. Thank you.

CHAIRMAN NELSON: I think, Dennis, the sense was -- if we can go back and get that motion back up again that Dan had put up? So, Dennis, we have the date of January 1, 2008, for the implementation of this. Are you considering putting in another date for a more extensive reporting system; i.e., like Option 2?

REPRESENTATIVE ABBOTT: I will leave that for the moment to the board during the course of discussion to offer that. This affects obviously the states and the state directors a great deal more than me.

I think that maybe we need to take possibly a little break while there's some discussion held about how we can improve this motion that's before us now that makes it palatable to a majority of the board states.

CHAIRMAN NELSON: If that will shorten this discussion again, you surely have my blessing. Why don't we take another five-minute break? Don't wander too far. I think you ought to probably group around each other and start talking.
(Whereupon, a recess was taken.)

CHAIRMAN NELSON: Okay, let's reconvene. All right, the motion to reconsider passed, so the motion is back before us. I believe we have an amendment to that motion, and I've forgotten who was going to do the amendment. The language is going up here and then we'll talk about who made that motion.

Was it you, Vito? That's right, it was Dan that made the motion and Pat had seconded the amendment. And now the language so they can read it to everybody.

MR. MCKIERNAN: John, do you want me to read it? Under Monitoring and Reporting 3.0: Move to adopt Option 3 to expand coast-wide mandatory reporting and data collection with modifications:

For collection of fisheries-dependent catch-and-effort data, do not mandate the two-ticket trip level system for all permit holders. Instead require states to collect at a minimum catch-and-effort data summarized monthly by NMFS statistical areas and LCMAs in an annual recall log format from each permit holder.

Require each state and agency to collect trip-level catch-and-effort reports either as a census or a sample, at least 20 percent. Trip-level transaction data shall be required of all dealers involved with priority purchases of lobster. States and agency will be required to implement the recall reporting and dealer reporting by January 1, 2008.

So, John, this is the hybrid of the two motions that have gone out. In this case, what we're doing is requiring states to sub-sample the fleet and require the trip-level reporting on a portion of the population, and we'll analyze that statistically to determine if that's the right number. It's also kind of a transition to a more intensive data collection program.

CHAIRMAN NELSON: All right, thank you, Dan. Pat Augustine had seconded that. Yes, Pat, go ahead.

MR. AUGUSTINE: Thank you, Mr. Chairman. This is a much better motion. How do we

define "primary"? I understand it could mean that's all they do is purchase lobsters, but can we quantify "primary"?

MR. LAPOINTE: South of Maine.

MR. AUGUSTINE: May I make a friendly motion to change the word "primary" to "Maine"?

CHAIRMAN NELSON: I think we tried to define that earlier as the first point of sale. That's right under the ACCSP Standards. That's what you're listed as.

MR. AUGUSTINE: As long as it's clarified in that. Could we not, just in parenthesis, put "point of sale" so then when it goes out, everybody knows exactly what it means?

CHAIRMAN NELSON: After "primary purchase" --

MR. AUGUSTINE: In parenthesis put "first point of sale". Thank you for that clarification.

CHAIRMAN NELSON: Okay, I had Eric.

MR. SMITH: A real important word, in my view, got dropped on the cutting room floor there. Where it says, "require each state and agency", I would add back in "eventually require each state and agency".

That was intended to signal to the people who are going to be very upset by this motion that this is not something happening instantaneously; it has no deadline -- see where I mean? Right there, "eventually require", yes. That sends the signal that this is something we're going to work on and develop, but not have in the Management Program as a mandatory type of thing.

CHAIRMAN NELSON: Let me just check with the motioner and the seconder; is that what your intent was since you already --

MR. MCKIERNAN: It wasn't my intent, and maybe that could be open for discussion.

CHAIRMAN NELSON: Well, not really, unless we have an amendment to stick it in there. It would have to be an amendment, and I don't see that that's being pursued. Okay, Pat.

MR. WHITE: I was kind of hinging on that being an amendment, but I also would like to

reconsider -- or have the 20 percent reduced to 10 percent as a friendly amendment; and my reason being, one of my dreams, anyway, is to get this on to an electronic reporting system.

And in talking with our Technical Committee member, the data sets that they get out of that are phenomenal, and the numbers become far less important than they do with a written logbook. So I hope that's a goal that we would be working towards.

CHAIRMAN NELSON: All right, so you're requesting that it would say "at least 10 percent"? Is that a friendly amendment that was acceptable?

MR. MCKIERNAN: It's good for me.

CHAIRMAN NELSON: All right, that's acceptable to both, so it would be "at least 10 percent". Ritchie.

Committee the difference in quality of the data, dropping it from 20 percent down to 10 percent, if it's possible to comment on that?

MS. HOWELL: I would suggest that 10 percent is a bare minimum. That's all I can say.

CHAIRMAN NELSON: Thank you, Penny. All right, Dennis.

REPRESENTATIVE ABBOTT: Thank you, Mr. Chairman. During our break, we talked about this number quite a lot. We had numbers thrown out of thirty, twenty-five, twenty, and we felt that 10 percent was extremely low. I was willing to compromise at 20 percent seeing that this would involve each fisherman doing that type of reporting once every five years.

Obviously, we know the statistical sample, the accuracy of it goes up, and I think that 10 percent is too low and that would affect my vote to a point where I would be back voting against this amendment if it stays at 10 percent.

CHAIRMAN NELSON: Thank you, Dennis. All right, let me have Vito and George.

MR. CALOMO: Thank you, Mr. Chairman. My friend, Eric Smith down there, the more I hang around with him and the more I go to meetings, I find out that he's a better chairman than I ever dreamed of. And when he said we need to crawl before you walk, I think that's what we're trying to do.

We're trying to work with all of the states, that everybody jump aboard. It's no good unless you support it, and Eric hit it right on the head. We have some states not even crawling. Why don't we work together here with going forward on the right proposal? Let's start crawling and then we're going to walk, and then we'll probably run.

But, please, let's work together to get everybody on the same page. I urge you and I urge you all to vote for this, and I would appreciate it. Thank you.

CHAIRMAN NELSON: Thank you, Vito. George.

MR. LAPOINTE: Thank you, Mr. Chairman. On the issue of 10 versus 20, I think we're the wrong group to argue those numbers. When you're developing statistical programs, you should give it to folks who know statistics and come up with the right number. That's a very specific point.

I'm going to urge my other commissioners from Maine to vote against this for a couple of reasons. I appreciate what everybody has done, and I'm not saying -- we've worked hard trying to get a data program together, data reporting program.

And I don't mean any disrespect in this, but the idea of walking before we can run, or crawling before I can walk, or whatever I'm doing, with a program that strikes me -- I haven't bought into the annual recall.

So the idea that I start crawling with what seems to me being a program that yields data that aren't as valuable as other ones doesn't make sense to me. I just think that it's an illogical combination from my perspective. People know already the difficulty I'm going to have with any program.

So the idea that would start with this combination of the yearly recall of monthly reports and then building into this other program just is a non-starter for me.

CHAIRMAN NELSON: Thank you, George. I had Pat.

MR. AUGUSTINE: Thank you, Mr. Chairman. I'm concerned about the 10 percent also, and George's point is right on target. We don't know what the minimum is; and as Penny has indicated, 10 percent is a bare minimum. I had a larger concern than that. Let's assume this motion passed.

What happens thereafter? Does 10 percent remain as the baseline? Do we have to pass another amendment or create another amendment to bring that level up to 20, 30, 40 percent? When does it kick in? I would like to have an answer to that question before we go on. Thank you.

CHAIRMAN NELSON: My sense would be that it kicks in at January of '08, and that at any time the board can start another addendum to address the 10 percent level, which has at least 10 percent.

My personal feeling would be that you gather data for a couple of years, take a look at it, see what it says; have the Technical Committee decide "Hey, does 10 percent work or not"? If it doesn't, then they can come back and tell you and the board can adjust that. So that would be my sense on it. Gordon next.

MR. COLVIN: I'm having some of the other problems that others have articulated about dropping from 20 to 10, and maybe the problem is that we shouldn't be specifying a number at all; or maybe we should be relating what we're trying to do to performance rather than an arbitrarily selected number.

I'm wondering whether it would be useful to introduce the concept that the sample should be statistically valid or statistically something -- I'm not sure what the right adjective would be -- with 10 percent as a minimum threshold.

Then as Eric kind of suggested in one of his earlier comments, that over time we determine what level of sampling was necessary to get a statistically reliable sub-sample in place. So I'm kind of suggesting to the offerers on the motion that the words "statistically reliable" might be inserted prior to "sample", and then initially at least 10 percent, just to see whether or not that thought works for folks.

CHAIRMAN NELSON: Gordon, I got a little reaction over here from the technical side of things, and I think the sense was that actually they'd like to take a look at the data that comes out of this type of approach, if it passes, and then be able to tell you what is statistically valid. It depends on a variety of issues I think that they would like to bring forward at that time.

MR. COLVIN: And I think that's probably a wise course of action for us, but if the words "statistically reliable", or statistically acceptable to some standard that will determine, in consultation

over time with the Technical Committee, is not in the motion, then I submit that we walk away from here with only a 10 percent requirement and no opportunity to improve it over time based on the language of the motion.

CHAIRMAN NELSON: Let the technical folks think for a few minutes. Let me go to the audience and have any comments on the motion.

MS. BONNIE SPINAZZOLA: Thank you, Mr. Chairman. I'd just like to say, as a member or representing industry, we look to the board and the managers as the people to do the right thing. While I recognize that there are some states that will have a very difficult time with this, and I understand it and I feel for these states, I think it's the board's responsibility to do what they know is right; and as Gordon was saying, look for a way to perhaps get started now and find a way to ramp up to what really needs to be done when you find the statistically correct number or amount of whatever it is you need.

But I think that the board really does have to go into a direction where industry can trust what comes out of the board and the scientists can trust what comes out of the board. Thank you.

CHAIRMAN NELSON: Thank you, Bonnie. Anyone who wants to speak against this from the audience? Okay, anyone want to speak for it from the audience? Let me bring it back to the board. The statistical issue is problematic from what I'm gathering from my sidebars here, in that it's defining the error around that.

It's something that I think they ought to have the time to take a look at and see what type of data they get and then come back with recommendations to us. I think they're not really ready to do that at this particular time. Gordon.

MR. COLVIN: I completely understand that, but let me ask this question. If the motion passes as it is, what will be the mechanism for bringing it back to change it in the future? Won't we have to adopt a whole new addendum?

CHAIRMAN NELSON: Yes.

MR. COLVIN: I'm not supportive of that. I would like us to pass a motion that creates the flexibility to fine tune this without a new addendum, and I think we can do that.

CHAIRMAN NELSON: Well, okay, how's this, Gordon? I've got to find out where it's going. Well, in parenthesis, "statistically valid at a percent of error determined by the TC". So that would be a future looking at the information that they get, and then they would then come back and tell us what that should be.

MR. COLVIN: And then, comma, "initially at least 10 percent"?

CHAIRMAN NELSON: I believe the comma is there, yes. You're starting at least 10 percent and then evaluating it --

MR. COLVIN: I think that proposal addresses my concern. I hope it would be acceptable to the mover and seconder. If not, I'd be pleased to move it as an amendment.

CHAIRMAN NELSON: I think that was offered as a friendly amendment, and I see nods of heads from both the motioner and seconder that that's okay. All right, back to the board again for consideration of the motion. Vince.

EXECUTIVE DIRECTOR O'SHEA: Just for clarification then, Mr. Chairman, so this friendly amendment that you just did, if this motion were to pass, it would be the intent of the board that this issue could be adjusted without having to do an addendum?

CHAIRMAN NELSON: Can we do that? I think that's the sense of it, but I'm asking you for process. I've only been here for twenty years, so I'm not sure.

EXECUTIVE DIRECTOR O'SHEA: That's the reason I'm asking the question. I think if the record clearly shows that's what the board's intent is, I think you'd be on firm ground to do that, Mr. Chairman.

CHAIRMAN NELSON: That is the intent of the board, to come up with a number from the Technical Committee after they've had a chance to evaluate the data. Then they would provide this to us, and it would be modified based on their recommendation. Dennis.

REPRESENTATIVE ABBOTT: Thank you, Mr. Chairman. That being the case, which I doubt, what we're saying is we would probably have to go -- the scientist would have to tell us that they've reviewed data over "X" number of years, and they

find that the statistical samples should be increased or decreased -- agreed, George.

Then they would present that to the board, and the board would just say "We agree with you", and some of the member states would say "Okay, this is how we're going to adjust", and that would be the end of it. I don't see that possibly happening if it was going to adversely affect them, that they would have a legitimate stand and say, "I'm not going to take any action short of an addendum".

So whatever numbers we put in here today, we're going to be living with for quite a number of years. And earlier, I'd like to comment on Penny's comment, that the 10 percent was barely adequate.

Now with due respect to Penny, she is one person saying that, and I'm sure she's saying something that is trying to keep us all somewhat happy. If we took a statistical analysis and surveyed 10 scientists, they probably wouldn't agree that 10 percent is a good figure and that 20 percent is a good figure. So I reject 10 percent as being a good number.

CHAIRMAN NELSON: Thanks. And the answer was probably two years worth of review of the data, Dennis. Eric.

MR. SMITH: Thank you, Mr. Chairman. Not being any great shakes in statistics, I do think this following statement is true. We have over a 25-year time series of trip detailed catch-and-effort statistics, and I think you can run a sensitivity analysis against that data base and, say, poll 10 percent of your licensed holders at random and run it through the mill and what do you get for catch-and-effort estimates; or pick 20 percent and do iterations and you have that data base to analyze.

You don't have to wait to collect new information and then find out what your answer is after two years of new information collections is. Is that how you would do a sensitivity analysis?

MS. HOWELL: Yes, and you'd have to assume that the catch-and-effort data that was taken in the state of Maine or the state of Massachusetts was similar, which is an assumption but not a bad one.

MR. SMITH: Yes, you would have to accept the fact that Connecticut, or for that matter anybody's data set would be a proxy for other areas. At least from a statistical standpoint, it might give

you the right -- or closer to the right number instead of a wag estimate. Thank you.

CHAIRMAN NELSON: Do I have comment from the public again?

MR. CRISMALE: Nick Crismale, Connecticut Lobstermen's Association. I'm just curious as to know what level of participation would be included in the 10 percent? Would it be a full-time person; a person that fishes a couple of months, just the summer, twelve months a year?

I think you have to consider that in the information. I know in Connecticut it's obvious what level of participation because of the amount of information that we provide in our logbooks. Thank you.

CHAIRMAN NELSON: The answer was anyone who has a permit would be reporting, and then 10 percent of that. Well, that's what they will analyze and see. Yes, this gentleman over here, did you want to make a comment?

MR. FRATE: Roger Frate, Western End Long Island Lobster Association. I'm going to give something probably to throw you all off. I was the first gentleman in 1974 to take Eric Smith and Lance Stewart to make the logbook. I thought I was doing the right thing, you know.

Since then it became a hundred million dollar industry. We got the proof when it started dying; we have everything. What these logbooks are doing are tying our hands, restricting the fishermen. I feel for the people in Maine.

I think they should leave it alone and do what they've been doing best, because these logbook, the data is wrong, and all of the proof we have, it's just a total, to me, a disgrace to the fishermen. Thank you.

CHAIRMAN NELSON: Thank you. I'll take one more comment for the motion, and then one more comment against the motion. Then we're going to call the question.

MR. DENNIS INGRAM: Mr. Chairman, my name is Dennis Ingram; I'm an LCMT member from Area 2. I just want to put a word of warning to everybody. God forbid if something happened in Maine and you had to figure out who was who. To straighten it out, you're going to have a nightmare up there.

I mean, we had that problem in Area 2 and we had a few years of data to work with. The more information you have, the better decisions you can make. Thank you.

CHAIRMAN NELSON: Thank you. Okay, take a minute to caucus and then we're going to vote.

(Whereupon, a caucus was held.)

CHAIRMAN NELSON: Let's get ready here. We're going read the motion and then we're going to vote on it.

MS. KERNS: Under Monitoring and Reporting, Section 3.0, move to amend the motion to read "adopt Option 3 to expand coast-wide mandatory reporting and data collection with modifications.

For collection of fisheries-dependent catch-and-effort data, do not mandate the two-ticket trip level system for all permit holders. Instead, require states to collect at minimum catch- and-effort data summarized monthly by National Marine Fisheries Service Statistical Areas and Lobster Conservation Management Areas in an annual recall log format from each permit holder.

Require each state and agency to collect trip-level catch-and- effort reports either as a census or a sample, statistically valid at a percent of error determined by the Technical Committee, initially sampler census 10 percent.

Trip-level transaction data shall be required of all dealers involved with primary purchases (first point of sale) of lobster. State and agency will be required to implement the Recall Reporting and Dealer Reporting by January 1, 2008.

CHAIRMAN NELSON: Ready for the vote? All those in favor of the motion, please raise your right hand; no, likewise; abstentions; null votes. The motion passes 7 to 2. At this point we would be bringing back to the table -- Gordon?

MR. COLVIN: Does this bring back the original two motions or do we want to make a different motion on that score?

CHAIRMAN NELSON: That's what I was going to do was just ask for a motion to bring back the two tabled motions. Gordon, thank you.

MR. COLVIN: Mr. Chairman, I prefer to offer a different motion on the same subject. Well, if it's in order, I prefer to offer a different motion now, Mr. Chairman.

CHAIRMAN NELSON: Let me just check here for a second. All right, we have to vote again on this motion because that was the amended motion. So before we do anything else, let me do that. It's this one, the one you just voted on. It has to be the main motion. Okay, all of those in favor of the motion, please raise your right hand; no; abstentions; null. Okay, it passes 7 to 2.

Now, on the tabled motions, we said it was time certain, which was after we voted for this particular motion. That's why I think it probably would be appropriate to bring those back. Let's bring them back and deal with them accordingly.

All those in favor of bringing back for consideration those tabled motions, please raise your right hand; anyone opposed? Okay, they're back on the floor. Gordon.

MR. COLVIN: I'd like to offer a substitute motion, Mr. Chairman.

CHAIRMAN NELSON: Go ahead, Gordon.

MR. COLVIN: Move adoption of the Fishery Dependent Data provisions of Section 3.3.2, Option 2, minus the last sentence.

CHAIRMAN NELSON: Okay, can I have a second to that? Ritchie, thank you. Everyone got that? It's page 10, 3.3.2, Fishery Dependent Data. That's the Port Sampling Program Fishery Effort minus the sufficient at-sea sampling can replace port sampling or vice versa. Discussion on that motion? Go ahead, Dan.

MR. MCKIERNAN: I have a problem with that, specifically because I believe -- at least my member of the TC has told us that our sea-sampling data produces sufficient biological information on the catch, which would negate the need for us to have a comprehensive state-wide port sampling program. I don't want this motion to pass and for us to be forced into a port-sampling program that's redundant.

CHAIRMAN NELSON: Thank you. Other comments on this motion? Eric.

MR. SMITH: If I follow the logic of this, so it's at-sea sampling, biological characteristics and the last sentence, which is "sufficient at-sea sampling" -- that's what you want pulled?

CHAIRMAN NELSON: That's the motion, yes.

MR. SMITH: And this is not a compliance criterion, correct, any of this?

CHAIRMAN NELSON: No. Let me refer to my staff here.

MR. SMITH: See, the header says "Coast-wide mandatory reporting and data collection", and that's a key issue that's going to determine how I come out on the motion.

CHAIRMAN NELSON: Eric, we will be right back with you. Anyone else on this particular motion? I'm coming right back to you with that answer.

MR. SMITH: I can tell you how I feel about it.

CHAIRMAN NELSON: No, that's all right. Anyone in favor of the motion; opposed to the motion? Well, you think about it. If you want to raise your hand, that's fine. I was asking the gentlemen if there were any comments that they had from the public. Thanks for asking, Eric, that was helpful. Staff had to go back into their memory cells.

MR. ROBERT E. BEAL: The way I read it, I think this actually would become a compliance criteria. As it says there "Mandatory Data Collection Program" in the title of 3.3.2, and it defines the minimum standards or the standards for the At-Sea Sampling Program, Port Sampling and Fishery Effort information that the states would be required to collect.

CHAIRMAN NELSON: Okay, Eric.

MR. SMITH: Thank you, that's what I thought for the very same reason. I could support this motion if the intent of the mover is in the title line of that section, to say "Coast-wide Reporting and Data Collection Program", so that it is clear that this is not a compliance criterion.

As I've said before on striped bass and weakfish, among the many awesome responsibilities I have, one of them is not creating new money in the

legislature for sampling programs. I cannot bring myself to vote for a mandatory At-Sea and Port Sampling Program.

CHAIRMAN NELSON: Eric, why don't you make a motion? Why don't you try a friendly amendment first, Eric?

MR. SMITH: All right, I would add a last sentence after what is up there; minus the last sentence. I would add a new sentence that says, "This option shall not be a compliance criterion". Okay, in the title line remove the word "Mandatory". It just now leaves it in the eye of the beholder, but that's okay. And in the title line remove the word "mandatory".

CHAIRMAN NELSON: Eric, if you remove "Coast-wide Mandatory", the rest of it says "Reporting and Data Collection Program", and you've already voted on that part of it. SO I think that the point that you're making, and it seemed like there was some agreement, that the fishery-dependent data was not mandatory. That's your point. Does anyone object to that?

MR. SMITH: In other words, the title line should read "Fishery Dependent Data Collection Program"?

CHAIRMAN NELSON: Yes.

MS. KERNS: Eric, I believe, right at the end of this motion, if this is a friendly amendment, "The fishery-dependent data provisions will not be a compliance criterion", then that will cover your answers.

If we change the title of the option, then the standards that we just set in the previous motion will not become a part of the compliance criterion. Therefore, you would lose part of that motion.

CHAIRMAN NELSON: Let me get Gordon, and then I'll get back to you.

MR. COLVIN: I think that technically you could also call it the "Reporting System Fishery Dependent Data", so it's not quite as clean.

CHAIRMAN NELSON: All right, so the fishery dependent data that we're talking about in this particular motion is the At-Sea Sampling Program, the Port Sampling Program --

MR. COLVIN: Maybe that's what we should say is that the "Sea Sampling and Port Sampling and Fishery" -- well, the Sea Sampling and Port Sampling Programs are not compliance criteria. That I could accept as a friendly amendment.

CHAIRMAN NELSON: Okay, I see that that has been accepted as a friendly amendment. George.

MR. LAPOINTE: I have a question for Penny, and then a comment. Are fishery-dependent data any less valuable than harvester reporting data in the management of our Lobster Fishery?

MS. HOWELL: No.

MR. LAPOINTE: Then my comment is we just went through making part of the data mandatory because we need it for the management of the fishery. And, we made that decision, as a board, with the knowledge that was going to impact some states.

And now we've got another decision-making point where we have data that are necessary for the management of the fishery and we're not going to make a compliance measure because it impacts some of the states in difficult ways.

I mean, there's no logic in this. If you accept mandatory data elements, put them in -- and you did that. But now to say we don't like the other parts because it impacts my state, I see as incredibly inconsistent, Mr. Chairman.

CHAIRMAN NELSON: Thank you, George. Eric.

MR. SMITH: This is going to be fun. I have to disagree with the chairman of the Technical Committee, who by the way I work with. If I had no data on an important fishery and I wanted to start out and do something first and walk before I could run, I would want to know what the catch-and-effort from the fishery was.

And if I had more money, I would then want to know from a biological sampling point of view, either at-sea sampling or port sampling, some of the biological characteristics. That's how all fisheries statistics programs develop. You get that fundamental performance of the fisher information first.

So I think there is a fundamental difference. George sees the logic in part based on that response, but I would suggest let's rethink the response, and then maybe there are tiers of data that you need to manage

a fishery, and the first tier is something that needs to be mandatory.

We've been at this a long time, and that's really what the stock assessors were saying as well. The first thing they said they wanted was catch and effort by statistical area. And the other stuff will come along in good time. Thanks.

CHAIRMAN NELSON: All right, Pat?

MR. WHITE: I'm a little confused as usual. How do you have mandatory reporting that isn't a compliance issue?

CHAIRMAN NELSON: It is; that didn't change. Mandatory reporting is still in there. It's the Sea Sampling and Port Sampling Programs would not be compliance. Mark.

MR. GIBSON: Thank you. I agree entirely with what George says, you know, being hypocritical here by suggesting that one state has to jump through some big hoops but others don't. I don't think that the biological sampling data is any less relevant than is the catch and effort.

I also point out that fishing effort is listed under "Fishery Dependent Data" and two elements, what was it, 1A, and it's also listed independently under 2 B, C, and D.

But the effort comes from the mandatory data reporting we dealt with in the upper section. I don't see how any of this cannot be mandatory. It's all embedded together and without it, you're not going to be able to manage the lobster resource properly, and I'll just fall back on the issues the Peer Review Panel raised.

CHAIRMAN NELSON: All right, Ritchie.

MR. WHITE: George has convinced me; I'm going to withdraw my second to this motion.

CHAIRMAN NELSON: Okay. Eric, do you want to make a motion to make it a non-compliance component, the Sea Sampling and Port Sampling?

MR. SMITH: It seems to me all I have to do is offer a second to Mr. Colvin's motion, correct?

CHAIRMAN NELSON: Yes.

MR. SMITH: I would do that.

CHAIRMAN NELSON: All right, wait a minute. Okay, Gordon, go ahead, did you want to speak?

MR. COLVIN: Yes. It's getting back to the point Dan made before about the last sentence and the sampling program. The reason that I excluded the last sentence is that it had been in the preceding, earlier motion on that issue, and I think it was excluded because that sentence, as it reads, is not an accurate statement.

I think another way to make it an accurate statement that addresses the concern that Dan raised is to delete just the last three words of it. I would propose to further modify, subject to the seconder's approval, further modify the motion to say minus the last three words of the last sentence.

CHAIRMAN NELSON: And the last sentence is "Sufficient at-sea sampling can replace port sampling or vice versa? I think that's what Gordon had intended.

MR. AUGUSTINE: He wanted the "or vice versa" removed.

CHAIRMAN NELSON: The last three words "or vice versa" is the one, but that sentence is the one we are talking about?

MR. AUGUSTINE: That's the one.

CHAIRMAN NELSON: Go ahead, George.

MR. LAPOINTE: I would recommend if you leave "or vice versa" at the end of that sentence, it's funky. You should put the parens "or vice versa" after the last the words because it could be like the whole vice versa, the whole motion at this point.

CHAIRMAN NELSON: After the words, let's put in parenthesis "or vice versa", closed parenthesis. Any other comments on the motion? All right, anyone from the audience? All right, why don't you take a minute to caucus.

(Whereupon, a caucus was held.)

CHAIRMAN NELSON: Ready for the question? I'll read the motion: **Move to adopt Section 3.3.2, Option 2, Fishery Dependent Data Provisions, minus the last three words (or vice versa) of the last sentence. The Sea Sampling and**

Port Sampling Programs will not be a compliance criteria.

All those in favor of the motion, please raise your right hand. No, likewise; abstain; null. The motion fails. All right, Gordon.

MR. COLVIN: Mr. Chairman, I'd like to make the same motion without the last sentence.

CHAIRMAN NELSON: Now, Gordon, which is the last sentence?

MR. COLVIN: "The Sea Sampling and Port Sampling Programs will not be a compliance criteria".

CHAIRMAN NELSON: Thank you. Second by Dennis. Discussion? I think we've had a lot of discussion on it. You ready to have the reversed vote? All those in favor of this motion, please raise your right hand; opposed; abstain; null. The motion passes 6 to 3. Is that it for Addendum VIII? Okay, I need an overall motion to approve the addendum as amended.

MR. GIBSON: We didn't deal with fishery independent data, did we?

CHAIRMAN NELSON: That's Option 3; that's not in there. This was Option 2. Under Option 2, there is no fishery-independent Data. If you want to stick it in there, you have to make a motion to put it in there and we'll have the debate. If you don't, then we need a motion to adopt the Addendum VIII as modified. Pat.

MR. AUGUSTINE: Thank you, Mr. Chairman. I move that we adopt Addendum VIII to Amendment 3 to the American Lobster Fishery Management Plan as amended in today's meeting.

CHAIRMAN NELSON: Seconded by Dennis. Okay, ready for the vote? All those in favor, please raise your right hand -- okay, go ahead and caucus.

(Whereupon, a caucus was held.)

MR. GIBSON: I'm not ready for the vote yet. We have a question. If we approve this motion, what happens to the fishery-independent data collection? It just stays where it is? It stays in status quo mode? Okay.

MR. SMITH: Mr. Chairman, could I ask the chairman to rule on that again? I'm not quite sure the answer to that question is correct. The effect of Gordon's motion was to adopt 3.3.2 --

CHAIRMAN NELSON: Option 2.

MR. SMITH: -- with Option 2 without the issue about not being a compliance criterion. So I think what that means is that Option 3.2.2, Option 2, and it is compliance criterion. It is mandatory. And in fact, all of that, when we wrestled with the title line and decided to leave it alone, it now says it's mandatory.

CHAIRMAN NELSON: But that's fishery-dependent data, and there was -- I think the question was what about fishery-independent data, and that's not in Option 2. And that was the only point. That's under Option 3, Eric.

Okay, we ready now? All of those in favor, please raise your right hand; no; abstention; and null. Motion passed 7 to 2. It's 5:15, and I have a request from the state of Connecticut, because we have visitors to provide information as far as the program they're going to do for V-notching, and they have planes to catch.

What I'd like to do is take five minutes for the Technical Committee to give their report with their recommendations. We would then go to the V-notch discussion, and then come back to the recommendations by the Technical Committee? Anyone have a problem with that? All right, Penny.

V-NOTCHING

MS. HOWELL: I'm going to present a very quick report because of the short time and go through this in a whirlwind. I'm also going to skip over the parts about the new reference points, because I think everyone has already discussed that and we don't need to go over it again; and go on to the Status of the Stock by Management Area.

But I do want to mention one point in terms of the change from the old reference points to the new reference points, that due to the poor condition in Southern New England stock, which I'll get into, the Technical Committee wanted to be sure that the Management Board understood our recommendation was that current measures continue while the board develops new strategies.

There seems to be some issue about what to do when we switched reference points. Anything that was implemented in order to support F10 contributes to the status of the stock as it existed in 2003 and should stay in place.

Moving along quickly; for the Gulf of Maine, the Technical Committee recommends status quo. Overall the abundance indices are very good, and the current F estimates are below the long-term median.

One concern is that the amount of effort that the fishery is exerting in that area is not necessarily -- well, is fairly high; and for its current impact on F and abundance, it may be an issue if the abundance changes.

And another problem area which was brought up earlier is Statistical Area 514. Trawl survey indices in that area are an all time low, so the very good picture for the stock as a whole does not apply to that statistical area. The TC recommends a much more conservative management strategies to rebuild the stock in that one area.

Moving on to Georges Bank; again, the recommendation is status quo. The overall abundant indices are well above the long-term median, and the current F estimate is below the median. However, as with the Gulf of Maine stock, increases in effort in Georges Bank are a concern, specifically effort shifts from the Southern New England Canyons to the Georges Bank area.

The Area 23 overlap that allows people that are permitted in that overlap area to move throughout Area 3 is something that needs to be looked at very carefully. The TC recommends that the board consider limiting movement across a line drawn at 70 degrees longitude and 42 degrees, 30 latitude to prevent effort shifts from south to north within Area 3.

The TC also voiced some concern that the newly established allocations for Area 3 may be higher than the original Year 2000 allocations due to allocation decisions made in that Area 23 overlap area.

Moving on to Southern New England, the current estimate for F is at or near median levels, which in and of itself would not be an issue. But since abundance has depleted well below median levels, the TC strongly recommends that stock rebuilding options be considered.

The most effective way to increase abundance is to have a complete harvest moratorium. The second most effective way to increase abundance is limit harvest by implementing an annual harvest quota lower than current landings.

The third most effective way to increase abundance is to change input controls, and we have proposed a suite of iterative measures to reach target abundance levels no later than 2015; in other words, a 10-year rebuilding plan. The goal is to reach target abundance levels by 2015 through a 30 to 40 percent decrease in fishing mortality.

This is one possible scenario involving trap reductions, a minimum gauge increase, which is given in millimeters and inches, and a fixed maximum gauge increase of 5 inches, which is 127 millimeters, I believe. This schedule could be initially accelerated followed by a period of years with no change during which the stock status could be evaluated.

When target abundance -- and by "target" that's the statistical increase over median levels that we just adopted. When that target abundance is met, we're suggesting that the schedule be suspended.

We will need to evaluate stock status and revise management strategies accordingly on an annual basis, most likely since there is no direct relationship between reductions in F and increases in N or abundance.

To address issues of water quality and lobster health issues, we were asked to consider a closed season. The suggested was August 1 to October 1, closed season, instituted during a time period of high water temperatures known to be stressful to lobsters in Southern New England.

This is a time of year when the lobsters often concentrate in isolated deep, cool areas, which may make effort more effective and/or stress animals and make them more susceptible to disease or death.

The closed season by itself would not have a substantial effect on increasing N; and if a closed season was instituted, it could be done effectively in order to address water quality and lobster health issues.

Finally, the Technical Committee is recommending that the Socio-Economic Subcommittee examine effects of the closed season and conduct an economic assessment of the risk of the Gulf of Maine fishery to

a drop in abundance and the risk -- let me get that right -- examine if the industry could respond to a serious drop in abundance without economic hardship in the Gulf of Maine.

CHAIRMAN NELSON: Thank you, Penny. Again, we're going to come back to the recommendations of the Technical Committee because the normal process that we would be using is that we would be developing a new addendum, if that's the pleasure of the board, to go out to public hearing and get comments on a variety of proposals that would be in that addendum.

We will come back to that, but I thought you needed to have the overall sense of what was the Technical Committee's review of the overall stocks. So having said that, Eric, you had a school group that wants to make a presentation on the V-notching? How do you want to handle that?

MR. SMITH: Well, subject to my two colleagues here agreeing, what I'd like to do quickly is summarize recent legislation that passed in Connecticut that sets the stage for a V-notch Program; then hear people out on their views on it. I think they have a proposal for a conservation equivalency with respect to the July 1st increase.

I don't have a comment on that right now other than to set the stage to understand how we are at the point we're at right now. So with your indulgence, I'll just summarize that quickly.

CHAIRMAN NELSON: Go ahead, Eric.

MR. SMITH: Just a week or so ago, when the legislative session ended, the legislature passed a bill that does four or five very significant things. It funds the V-notch program, which was one of the big problems last year, with a million dollars of general funds directed at a V-notch Program to be developed by an advisory committee of eleven people, which will have Senator Gunther, Dr. Stewart, and myself, members of the Vocational Aquaculture Schools, industry representatives and the Connecticut Seafood Council; so, eleven members charged specifically with developing this V-notch Program and presenting it to the commission for approval as a conservation equivalent alternative to other management measures.

Now, the way the legislation reads, if the Commission approves this plan by November 1st, then the million dollars is devoted to the V-notch Program either by compensation of fishermen for the

lobsters they throw back or by paying some amount of it towards verification.

That has to be worked out in the plan yet to be developed by the advisory committee. If the Commission does not approve this plan, according to the legislation, by November 1st, then the million dollars reverts to a combined direct assistance program and a buy-back program.

Now the industry folks who have watched this and worked on this very carefully far vastly would prefer this go to the V-notch Program, because they feel there's a much more of a conservation nexus with that program.

Admirably they've said, "You know, we don't want a direct handout, and we don't think a pot buy-back is the most effective way of using the funding". That's why the legislation is written in a way to promote the V-notch Program, but at some point, if it can't be done, if it can't be developed to the satisfaction of this Commission as a conservation equivalent alternative for other measures, then the money would go to direct assistance and buy-back.

That's all I would intend to say right now. Depending on how folks in the audience talk, I may have something else to say later on. Thank you.

CHAIRMAN NELSON: All right, thank you, Eric. Who is the spokesperson for the school groups? Is there a spokesperson?

MR. SMITH: I think if I were you, I'd call on a couple of the lobstermen here from Connecticut who have been involved in this, and they could maybe do the introductions.

CHAIRMAN NELSON: All right, who would like to do that? Why don't you sit right next to each other so you can share the mike as necessary? Just introduce yourselves so that everyone knows who is who.

MR. MANSI: Thank you, Mr. Commissioner, members of the Committee. This is John Roy from the Sound School of New Haven. Our association has been in contact with Mr. Roy and the other schools to assist us in our V-notch Program. Pardon me, I'm Bart Mansi, Connecticut Lobstermen's Association.

Like I said, we've been working very hard to get this program passed. We think it's going to be the turnaround for Long Island Sound. We were very

disappointed last year when we lost the funding. This year we pursued the funding, we got it, and hopefully we can get on to our program. I'll turn the mike over to Mr. Roy. Thank you.

MR. JOHN ROY: Good afternoon, ladies and gentlemen. Thank you for having me here. I've got to tell you it's been very interesting seeing the goings on. I'm an educator at the Sound School Regional Aquaculture Center in New Haven, Connecticut. We are the largest aquaculture high school facility in the world.

I have with me today John Curtis from our sister school in Bridgeport, Connecticut and Alex Besart, who teaches as a vo-tech educator at a school on the eastern end of the state in Groton, Connecticut.

We were approached a month or so ago by the Connecticut Lobstermen's Association to find out about our interest in a V-notch Program, basically to employ our students as observers on board boats doing field work to gather the information needed to support the program.

I'm not involved in this to give our students summer jobs. I'm not involved in this to get them jobs as commercial fishermen. I'm involved in this to expose a large number of students to what true field work is about and to get them on board boats in not only the nice weather, which many of them were exposed to at the school, but also during the weather that may be inclement as well.

It becomes a very unique teaching tool for us. The questions that have been posed, do you have any experience in field work, and to that I have to say that my students have been involved and are currently involved with the National Marine Fisheries Service on multi-year projects?

We have worked with the state DEP on more than one issue. We have worked cooperatively with Yale, University of Connecticut, University of New Haven on several other marine-related issues.

I thought I should come down here today to not only show my support for the Connecticut Lobstermen's Association, but maybe to answer any questions you might have about how I was going to put high school students on a boat in the middle of the winter. Thank you.

CHAIRMAN NELSON: John, are the students doing the V-notching, or are they recording the number that are being V-notching?

MR. ROY: At this point, it seems we'll put the students on the boat in pairs. One will do the actual V-notching and one will take the data.

CHAIRMAN NELSON: Okay, questions for John? All right, thank you very much. We'll get comments as far as from the industry as far as their feelings on the program.

MR. MIKE TYLER: Mike Tyler from New London, Connecticut. I'd just like to add that the three schools involved are strategically located to cover the entire state. The Bridgeport School is in the western end of the Sound; Sound School is in New Haven, which is in central; and then Southeastern Ellograsso Tech is in the eastern end of the Sound.

As you know, we're probably familiar here to most of you as being involved in this and trying to be proactive in jump starting our fishery. One of the big problems that we ran into in Connecticut was the contractor issue. It's not easy for us in Connecticut, in light of recent politics, to hire a sub-contractor to promote a program like this.

I would like to thank Senator Gunther and the members of the Environmental Committee, as well as the Speaker of the House who actually got the money for us, for making this process work. Basically riding on the coattails of the successful Rhode Island Program, we have to start somewhere.

In order for this to be successful and to receive funding in subsequent years, we felt that by using education, partnering up with education, that if we're successful in Year 1, that the grants and monies will follow in the following years.

We've heard nothing but good things from the legislators at this point, and we hope to, like I said, sell this program to you guys as well as an equivalent for another measure. We really feel -- I mean, it's no secret -- that continuing to go up on the gauge in Area 6 is not the answer. Thanks.

CHAIRMAN NELSON: Thank you very much. Anyone else want to make a comment on the program from the public? Okay, Eric, do you have a program? I know last year there was a proposal that was reviewed by the Technical Committee and the board -- let me get staff's attention.

Toni, my impression last year is that there was a proposal that went forward to the Technical

Committee for consideration of V-notching, and it came back -- and I think the Technical Committee will have to refresh our memories, but as I recall the board voted to allow Connecticut to move ahead with that program if they could get the money -- I think it was last year?

Doc, though, even though you've got a million now, you can always move to New Hampshire and get me a million, whenever you can get it. But the point is if this is a conservation equivalency request, is it still conservation equivalent because it's at a different timeframe? I think we need to have the board just brought up to speed associated with that timing and what was the intent last year.

MR. SMITH: Thank you. I think we're walking a little bit before we run here, and just let add this before we go into it. I've been told there's going to be a motion by one of my colleagues to offer last year's proposal or some modification as a conservation equivalent alternative to the gauge increase that will go in July.

I'm not offering it. I haven't seen that motion; I leave it to them. I want to make the observation that there's a great opportunity to develop a winner of a plan with this legislation initiative that passed. I endorse it, the department endorses it, and we want to make that happen.

If there is such a motion, that's what I said before, I would have some further comments on where we are. But I think you ought to see if my colleagues are going to have a motion they're going to offer.

CHAIRMAN NELSON: All right, thank you, Eric.

DR. LANCE STEWART: The way we see it, Mr. Chairman, is that we're in a position of requesting again this conservation equivalency, but have already gone up a 32nd of an inch, so that should give us a little bit of an advantage now.

We have the logistics set forward; we have the hard cash to operate it. There's a tremendous surge of interest. Even the numbers that were presented to the technical committee last year, we feel are very doable, with the expanse of the coverage we have of the coast.

All of those things considered, we would move that a V-notch Program for American Lobster be implemented for Area 6, Long Island Sound, in Connecticut and New York waters. Specifications

are outlined in Connecticut Legislative Bill for Advisory Oversight Committee, and a \$1 million appropriation.

And, that this reproductive protection action be given conservation equivalency to defer the 1/32nd inch carapace length increase tentatively to occur 1 July '06.

CHAIRMAN NELSON: Now, Lance, is this different than the proposal that was provided before that went to the Technical Committee, or is this something the same?

DR. STEWART: Our attempt would be to stay within the guidelines of that analysis as far as numbers. There are several questions we have on the numbers that were to be achieved; also, in relation to the gauge increase we already went through and already have on the books now, whether there's some credit for that.

But we strongly believe in trying to maintain the genetic integrity of these Western Long Island Sound stocks, different behavior, different tolerances. I don't want to go in to the logic of that again. We've reiterated that several times. But just by going up on size increase, in my mind, it does not biologically satisfy our unique population. So the purpose would be, yes, to be in the situation we were last year, but then relook at those numbers.

CHAIRMAN NELSON: All right, I'm not clear, Lance, and that's why I didn't call for a second yet. I want to have some clarity before we get a second to your motion. Do you have another 1/32nd of an inch that's scheduled, and this is what's going to be deferred, and you've already put one in place?

DR. STEWART: That's correct.

CHAIRMAN NELSON: So the one that was scheduled for at this time last year, and because you didn't get the money, that went into place.

DR. STEWART: Correct.

CHAIRMAN NELSON: So now you're looking at another one and you'd like to defer it?

DR. STEWART: Right.

CHAIRMAN NELSON: Okay, do we have a proposal, though? And again I'm asking that from the standpoint of our policy is to have a proposal go before the Technical Committee for consideration

and the Plan Review Team, so that we can take a look at this, and get the Advisory Panel and the Plan Review Team and the Technical Committee's input before we make a vote on something like this.

As you know, in the past we've had information come forward, certainly done in good faith, but it hadn't had that review and it got us into a bundle of problems that we shouldn't have allowed ourselves to get in place.

Therefore, we put that process in place to have that review process take place. So my question is do you have a written proposal that you can present to us that the Technical Committee and the others can take a look at?

DR. STEWART: Our intent, Mr. Chairman, was to revisit the proposal that has already been approved by the Technical Committee and attempt to reach the goals of that proposal that was approved last year. We have a different contracting mechanism and a different oversight committee.

CHAIRMAN NELSON: Lance, do you have a proposal that can be submitted so that we can have the review process take place?

DR. STEWART: If we could be allowed to submit last year's recommendation with the analysis that occurred before our size increase for the lobster population. It seems logical already given a conservation step in gauge increase, that that V-notch proposal would be legitimate.

MS. KERNS: Lance, the proposal that was submitted last year would be for a different size gauge increase, so the numbers would not add up. We would need a proposal that would match this year's gauge increase so that TC could evaluate that, based on the correct numbers.

CHAIRMAN NELSON: Doc, go ahead.

SENATOR GEORGE L. GUNTHER: I'd like to get in the middle of this, because what we're talking about right now is, let me say, the sovereignty of the state of Connecticut and the requirements that are necessary in order to promulgate regulations.

Now last year we talked about the increase last year, and, of course, that was really SNAFU'd because the money was a big mystery; it disappeared. But the second notch increase, which you had put into language, has not been adopted in the state of Connecticut; it was submitted to us.

In fact, to give you a little history and remind you that back in March, we came up here and at that time Eric Smith submitted a double notch increase at that time. We had a discussion on it; it went down the tubes 6 to 3.

Subsequent to that, in the state of Connecticut, Eric Smith, through the Fisheries Council, submitted a regulation, which is under the Chapter 54, or the APA Act of the state of Connecticut.

I'd like to remind you that I'm very sensitive -- I've been forty years on the regulation review. I've seen regulations come in. We never have had a federal regulation that has been adopted, except when that federal regulation was reviewed, picked up by our department and requested that that federal regulation be part of the regulation of the state of Connecticut.

Now, when this regulation was put in -- and I think that was about two weeks after the meeting we had down there in March -- we deleted from that regulation the second increase which you're talking about here, and that is the 32nd of an inch.

But that was deleted from that regulation by the regulation review committee, as well as a statement in there anticipating some difficulty even now with the size of the carapace, that dealers and the people who were doing wholesaling and retailers and that would've been allowed to take and transport into the state of Connecticut.

In fact, a good question of whether the smaller, illegal lobsters in Connecticut, but were legal in, let's say, Maine and Nova Scotia would have been allowed to be marketed. That was also deleted from that particular regulation. So the state of Connecticut, in our APA, under our process, deleted and rejected the second increase in the carapace.

Now that was brought in -- incidentally, the bill that was passed just went through the motions a week ago. It was put on the Implementer Act of the State of Connecticut, which put it in a very strong position that people couldn't fool around with it.

I was very concerned, incidentally, in the language it was put in to, that actually gave the requirement to this Commission to approve a V-notch Program that I had serious reservations that we as the State of Connecticut and the sovereignty of our state in a in-trust state fishery should have to take a resort to any approval.

I think it was nice, and I do think it would be a nice gesture now for you people to take a look at that recommendation; and, of course, again, through the process, go along with it because I think that would only take and strengthen our position in the state on the recovery of the lobster situation in Long Island Sound.

But I'm one of those federalists, and I very, very strongly feel that the states and our legislative process have certain rights that cannot be overridden and that we don't have to get the approval of the federal government in order to do them. In this particular instance, I think that applies.

I would love to see you people adopt this and go along with this as a good experiment as to what we can do to help on the recovery, and I think there's enough data and background. In fact, I just got shocked listening to the Technical Committee's Report on what they're recommending for Area 6.

I mean, I'd say we can solve this thing easy. Let's put the fishermen in Connecticut out of business, because in my book the gauge increase last year was anticipated to only affect 5 percent of the fishery. The fact is in practice it was closer to 25 percent, and in certain areas might even have been more than that.

If we went up in another notch increase this year, I don't know how much that would affect the industry, but in my book we've already lost over 50 percent of the lobstermen in the state of Connecticut right now compared to back in 1999.

The pot allocation has been cut greater than in half. And, again, when I look at this, and I see we're going to have a reduction, if we follow these recommendations, of another 50 percent in the pot allocation, then I'd say you might as well close the industry in the state of Connecticut down because it looks like the only way that we could have a recovery is completely eliminate lobstering in the state of Connecticut.

That amazes me that even these things can be done. So, as I'm saying right now, I think it's a little -- we got a little short-handed here because I can tell you I'm still a little bit drifty from finishing our session last Wednesday, going until 2:00 and 3:00 o'clock in the morning each one of those nights; and until I got here with my buddy, it was pretty hard to get some written language here in order to put that resolution through that you're looking for at this point.

But I'm very concerned about some of the activity here relative to the sovereignty of the state of Connecticut as far as I'm concerned.

CHAIRMAN NELSON: All right, thanks, Doc. So, what I'm getting is that you're developing a proposal for V-notching. It may be somewhat similar to what you had last time. The last time we deferred pending getting the cash. You didn't get the cash, so the gauge increase went into effect.

Now you've got the cash; great. Now you'd like to have the next gauge increase of 1/32nd of an inch deferred. Now I think what we need to have is -- well, you've also heard from the Technical Committee about the status of the stock, so it might be in a little bit worse condition than what it was last year when you were looking for the conservation equivalency.

Having said that, what I would request from, I guess it's the department, or the state of Connecticut, anyway, that you develop your proposal, submit it to the ASMFC so that we can send it to the Technical Committee and Advisory Panel and the PRT so that they can review it to see if indeed it provides a conservation equivalency, and they can make a recommendation back to this board so that we can make a determination.

I mean, I think that's the proper process, and I think that's the safest process for everybody so that we're not making a snap judgment one way or the other on whether or not that's conservation equivalency. So can you get that within a week Eric, Lance, Doc?

SENATOR GUNTHER: You know, it takes you 10 years to get a survey bill. I heard it around this table. I sat here and listened for about an hour and a half, and you're asking me to get a simple statement like this? Now, I don't know that you're looking for the statement from this committee, or whether from DEP, or where you might be trying to get that.

But I'd say a week at this stage of the game might be a little weak, if you know what -- W-E-A-K, all right? I think that we ultimately should be able to --

CHAIRMAN NELSON: Doc, I was asking whether or not you could do it in a week. If you're telling me it can't be done in a week, fine, I accept that. But what we need is to have a proposal submitted so that it can have the review to see if that second gauge increase, which you're scheduled to

have happen in July of '06, is conservation equivalency to the V-notching.

We need to have that evaluation take place, so we need a proposal. I don't care who provides it, but I think within a short timeframe, it would be better versus multiple months.

DR. GUNTHER: If I might just on a technical basis, the Implementer Act that this bill is contained in has not been signed by the governor yet, but I expect it to be signed almost momentarily, because it's the Cornucopias, the Christmas tree, you know.

So I don't know if that will be signed within the week. Now I don't know whether it's going to be Eric's department that's going to be able to have to respond to this, or whether you want something from some other group. Now I might defer to Eric to answer that thing.

MR. SMITH: Mr. Chairman, last year, when we came before the Commission with a conservation equivalent alternative, we told you in February what we were going to do. We worked through March and April with the LCMT and had the Lobster Technical Committee review it.

We came then to the board in May and just barely got here in time to mail the thing out to the board to see it, so that was about 3 months. There's six weeks away from July 1st; and as much as I'd like to leave here with people thinking, "Hey, he's a good guy, he tried to help us out", I don't know how in the heck -- I haven't seen one word other than a one pager that was faxed to me on Friday.

No analysis has gone into it. It's not the same proposal, unfortunately, as much as I would like to think it is because the stock condition has declined, so the numbers are all different; and how it's done. Last year was a huge problem we thought we could overcome with paying a contractor to verify, and then we found it just was impossible; we couldn't do it. So the whole fundamental basis of the program shifted on us. The thing I like about what we heard before from the schools and what the legislature approved last week is it's an opportunity to develop a winner of a program, but the plan isn't there yet. It's got to be developed and it's going to take more than a week.

My hope is that we can develop it over the summer, have it to the Commission in early September so that the PDT and the Technical Committee can give it the

review that it needs; get the word to the board so that the board has it a couple of weeks in advance of the October 23rd meeting.

That's if we start in late May and hit a very ambitious schedule of early September to develop a program that is conservation equivalent to other things that are more measurable. I don't know how in the world we can do that in a few weeks. I'm sorry, it would be nice to be popular, but it can't happen. I don't know how we could do that.

CHAIRMAN NELSON: What I would suggest is, Connecticut, take a look at your timeline, if you can develop a proposal, then you should submit it. Ideally, I'd rather have you submit to us so the board could act on it in August. I believe it's August we're meeting. But, ideally, that would be the case.

But I think that's the only recourse that we can do at this particular time, and that's the only advice I can offer you at this particular time. Having said that, I don't think there's anything else I can say about it other than submit a proposal and it will be reviewed.

SENATOR GUNTHER: If I may, I'd like to take and help push the department. I think there's enough interest. You heard these people. Absolutely, the unanimity of the legislature on this particular issue is something that I think can move along.

Incidentally, I get very concerned when I hear some of these surveys and that, because I read a lot of your material when I have some time, and I find out the survey type data that you people have in the different fisheries; I questioned Long Island Sound being in as bad a condition as it is.

Because I'm going to tell you, if I'd talk to the fishermen, they're telling me the stock is coming back; they're healthy. And I wonder -- you know, you don't fish for lobsters by trawling. Somehow or other there should be some other way of taking and surveying.

I know that the last meeting we had I talked to a gentleman over there from Rhode Island -- bad at remembering names --but we were talking about a pot survey, which we do not do in the state of Connecticut, to my knowledge.

It would seem to me if you want to find out about lobsters, you ought to look in the pot and see what goes into it and what could stay into it if you want to

take and get some background. Now I'm not a scientist and I'm not a commercial fisherman, but I know in talking to the industries themselves, they're telling me things are looking damned good in Long Island Sound and they're better than the gloom and doom that I hear here.

So I would like to say, to be not too brief, but I'll say I'd like to help push the department along because I think we'll have a lot of help. If we've got to have it sooner than August or September, we'll get it one way or another. Okay?

CHAIRMAN NELSON: All right, Doc, why don't you get another position for Eric's office and that probably would be helpful to him.

SENATOR GUNTHER: You know, don't look in that direction; you might get pushed out.

CHAIRMAN NELSON: All right, I think that's the guidance we're providing. We do want to go back to our other recommendations because we have to talk about an Addendum IX.

MR. AUGUSTINE: It's obvious the question on the minds of the folks that are here who have helped put this program together and who have moved Doc Gunther along to move this legislation, are interested in what the outcome is. If I understand what's going to happen, we have a gauge increase coming on July 1, 2006, and I think your comment, Doc, was very clearcut so that we hope that the Technical Committee could make this assessment that this would be conservation equivalent.

The question that's still on their minds, the folks that will be affected one way or another, short of not being able to get this review done -- one of you, I think, are asking, "Is there anything that can be done about that date?" That's an unanswered question right now, and I would suggest that maybe if you would ask a question, it would be is there any way of delaying that?

I know in our case we're legislatively bound and we don't know what you folks are faced with. But, you might want to ask that question of the board. Thank you, Mr. Chairman.

SENATOR GUNTHER: I'd like to say that right now, as far as I'm concerned, the state of Connecticut does not anticipate, through its process and the legislative process itself, to have another increase on July 1, 2006. All I can say is those were rejected by the regulation review committee.

Even with an emergency regulation that could come in, that would take the action of the governor and everybody else and then the approval of the committee. I find that through the process that we've gone through, we've had an awful lot of dialogue, and the whole legislative process that they did not want an increase in that gauge, that they thought that it would wipe out the industry in the state. So all I can say is right now I don't think there's any idea that you could have a July 1st increase in gauge. I think the present one is sufficient and I think it can be done.

that proposal so we can have an action on it in August. Now we're going to go back to our number --

SENATOR GUNTHER: Mr. Chairman, I've just had a suggestion. If I might make a brief motion, that we delay the increase of the action of this board until November of the gauge increase of July 1st, suggested by New York.

MR. GIBSON: Mr. Chairman, you have a motion that wasn't acted on.

CHAIRMAN NELSON: I did not have a motion; there was no second. I just had a discussion for clarification. Is there a second to this motion? No, to the second one. I think the Chair has clarified what they need to do. We are not going to vote on something that we don't know what it is. That's the policy of the ASMFC, so we're not going to do that.

You need to have something in front of you. You need to have had the Advisory Board, you need the Technical Committee and PRT to have looked at it; told you what they think about it, then you can make up your own mind after that.

This motion is to delay the gauge increase for Area 6 scheduled for July 1, 2006, and that's a motion by Doc Gunther. Is there a second to that motion? Thank you, Bill. Okay, discussion on the motion? George.

MR. LAPOINTE: I'd like to know what the other state in Area 6 has done in regards to the gauge and size increase. I think New York is impacted by this as well, are they not? And it strikes me that if one jurisdiction has taken action in Area 6, delaying the other one puts New York and this Commission in a dilemma.

CHAIRMAN NELSON: Gordon.

MR. COLVIN: Legislation enacted last year in New York states that the gauge will increase by 1/32nd each of 2005 and 2006. As of the time the Commissioner of Environmental Conservation certifies to the Legislative Bill Drafting Commission, that under ASMFC requirements that gauge is required to go up, so that the mechanism in the statute, which is kind of unique, in such that so long as it remains a compliance requirement under our Lobster Management Program, which presently it is, for the gauge to up another 32nd on July 1st, the Commissioner will so certify and the gauge will go up by statute.

CHAIRMAN NELSON: Okay, other comments on the motion? Mark.

MR. GIBSON: I'm very supportive of the V-notch element that Connecticut has been talking about because we see real benefits in a short term to where they will get a resource off the ground by reducing fishing mortality on females and rebuilding eggs. But delaying the gauge increase, I just don't think that's a wise thing to do.

You see the Technical Committee's recommendations under Item 3 where there's a 10-year rebuilding plan, they go all the way to 3 1/2 inches. Area 6 in Connecticut isn't even on the schedule at this point. So it seems to me with some recommendations coming from the Technical Committee for some substantive reductions in fishing mortality, I couldn't support the delay at this point.

I'm supportive of the V-notch part of it, but I think it's unwise to stop the gauge schedule at this point, pending what we have to talk to the Technical Committee about. Thank you.

CHAIRMAN NELSON: Thank you, Mark. Bill.

MR. ADLER: Thank you, Mr. Chairman. If something like this were to pass, would that basically mean that its being a compliance thing by July is like put on hold; is that what that would mean?

CHAIRMAN NELSON: If the motion passed to delay it? Yes.

MR. ADLER: So in other words, the New York Commissioner wouldn't have to put that in because of the wording in that statute in New York?

CHAIRMAN NELSON: I don't have that wording in front me. That's up to them.

MR. ADLER: Well, I think, Mr. Chairman, Gordon just -- I don't remember what he said, the actually wording, but he said it.

CHAIRMAN NELSON: Again, I don't know if they're mandated to do that because it's passed through legislation and therefore it's in place.

MR. ADLER: "If" he said.

CHAIRMAN NELSON: The answer is, I don't know. All right, let me have other comments on the motion. Ritchie.

MR. WHITE: Question. If the Technical Committee comes back and says it's not conservation equivalent, then what would happen on November 1st? Would the state of Connecticut then go up on their gauge increase on November 1st?

SENATOR GUNTHER: Is that a question directed to me?

CHAIRMAN NELSON: I think the answer is yes. I helped answer that for you, Doc.

SENATOR GUNTHER: I'm sorry, I was little diverted in the question that was put to you. Are you saying that --

CHAIRMAN NELSON: He is saying if the Technical Committee said that it was not conservation equivalent, would you be mandated to go up in your gauge, and the answer was yes.

SENATOR GUNTHER: All right, but that would be your mandate; not to the state of Connecticut because under the APA of our state, in order to take and promulgate a regulation and bring it up, it has to go through that process. I don't know if New York has that process.

I do think that by your action, deferring this thing to November, would be a help to New York at this stage because then that would delay their going up to that extra notch. It would allow us to not have a conflict out there as far as the fishery is concerned.

But I don't think you as a group can dictate to the state of Connecticut under out law -- I could be wrong; I'd love to get an opinion on it -- that it could not be resolved merely by you taking an action, because we've had a long relationship in this area and

I know we'd like to hustle it up, but all I can tell you the process in the state of Connecticut is that you do have to go through Chapter 54, which is the APA Act.

CHAIRMAN NELSON: Thank you. Okay, Gordon.

MR. COLVIN: The last two speakers have speculated on what the effect of this motion might be with respect to the gauge increase in New York, and I am actually not sure what the effect of the motion would be on the gauge increase in New York. Clearly, the problem is -- again, this provision I outlined to you is in statute.

It's not done by regulation. It's in the law. So it's not going to be changed. It's going to continue to read as it reads. And the problem is that it incorporates July 1st as a date right in the statute. I'm not sure what the effect would be, and frankly would need to consult counsel to ascertain what the effect might be of a motion of this nature.

I think it would likely be that the commissioner would not certify to legislative bill drafting that the gauge increase had to go up on July 1st. After that, I don't know what happens. It may be that the statute just becomes without effect.

And, you know, Brian and I have been talking and his boss passed that bill. So we think that's how it would work, but we really would need to consult with an attorney. Again, it's kind of a unique statute and it's not entirely clear.

CHAIRMAN NELSON: Okay, who wants to speak? Doc spoke for it. That was a clarification. Who wants to speak against the motion? Eric.

MR. SMITH: Why me? The department cannot support this motion. Since September and a number of meetings with legislative leadership and the fishing industry, many meetings, we have been crystal clear that the plan requires this gauge increase on July 1st of 2006.

In fact, in December of '03 we got a one-year deferral on both years, so we're already a year or two behind. As you can see from the Technical Committee Report and the Stock Assessment, you know, this is still a very small amount of conservation as compared to a very large need as came out of that stock assessment.

This whole thing isn't news. What's news is now that it's six weeks away, it's a hard thing to swallow for people who are very concerned about their livelihood, and I understand that. But the increase itself is not a surprise and it is necessary.

In fact, a lot more is necessary and we're having a hard time getting on to that, and we need to do that as the last order of business today. I mean this sincerely with due respect to my friend and colleague, Senator Gunther, who's been at this longer -- well, not longer than I am old.

I'm older than that, but pretty close. There are two regulatory processes in the state of Connecticut that can and have been used if we have to stay in compliance with the Commission plan. We do have the process to get there on July 1st. If you recall, last year we slid and tripped and fumbled over ourselves, and most of the summer run was eaten up by that delay.

We lost the conservation value of last year's gauge from July 1st to August 22nd. I would hate to see that happen again, quite frankly. So after having discussions in the department to make sure I wasn't putting myself out here on thin ice, much as we'd like to have the fishermen say, "Oh what great guys they are", we cannot support this motion. Thank you.

CHAIRMAN NELSON: All right, for the motion. Okay, how about against? Dennis.

REPRESENTATIVE ABBOTT: Mr. Chairman, just feeling the sense of the board, I'd like to move the question.

CHAIRMAN NELSON: Well, I've got a couple of folks in the audience, Dennis. You know, I said before a motion I'd take a comment so I'm going to before we move the question. All right, is it John?

MR. GERMAN: My name is John German, President of Long Island Lobster Association. I have the law here in front of me, since I was very much involved when we drew up this law. And it has here, what it says for the state of New York, Section 2 "shall take effect on the same date as the Atlantic States Marine Fisheries Commission and its Interstate Fisheries Management Plan for American Lobsters requires the minimum gauge."

Size for American Lobster in management Area 6 is 3-5/16ths. The size increase becomes effective the day that this board decides it does, and the law expires on January 1st, 2008. If you don't do it by

January 1, 2008, we have to redo the law. It becomes effective when you decide. Thank you.

CHAIRMAN NELSON: I think, though, the schedule has been decided, and its July 1st of '06 is the next gauge increase. Anyone else want to speak on the motion? All right, who wants to speak for it? All right, yes sir.

MR. CRISMALE: Nick Crismale, President of Connecticut Lobstermen's Association, lobsterman, thirty-two years. You heard some discussion here about approximately twenty-four people catching 60 percent of the lobsters in Long Island Sound. I can tell you this.

I haven't fished last year as part of an economic thing. It wasn't feasible for me. We talk about lobster conservation. Unfortunately, Connecticut has a law that's going to force me to fish 2,000 traps among many other colleagues in Long Island Sound as part of a transferability program that we have, forcing the fishermen to fish five out of eight years with at least thirty days.

Well, I didn't fish in 2003, 2005. I'm being forced to fish this year. I don't know how that enters into conservation, but whatever the case. We have approximately twenty-four guys catching 60 percent of the lobster.

I can tell you this. If you implement that gauge increase, you won't have to worry about a V-notch Program, as Senator Gunther has alluded to. There won't be any people left in Long Island Sound. I mean, you've financially put a burden on us with these gauge increases.

I believe that Dr. Stewart has alluded also to the fact that we have a different biological lobster. He's a smaller lobster. You're eliminating us from catching these lobsters. There won't be anybody to implement this gauge. All we're asking for is a couple of months.

I mean, you know, if we asked you guys to take three months off and not get paid, I think you would be off the wall here. And all we're asking for is a little compassion on your part in the interest of retaining this fishery. You come out and you implement these laws based on technical information, so on, so forth, and it has an impact on us.

In so doing, you're not only managing this resource, you're ultimately and indirectly managing us. Give us an opportunity. We've worked hard in this

program. We were very disappointed last year when we didn't get the money. We put a program together.

Hopefully, we'll be able to do a lot more lobsters and have included our education department within the state of Connecticut, and we've got total support from our congress people down in Washington to try to attain more funds later on to keep this program going. Give us an opportunity. We're only asking for a few months. Thank you.

CHAIRMAN NELSON: Thanks, Nick. Okay, who wants to speak against the motion? All right, somebody else for the motion? Yes sir.

MR. MANSI: Bart MANSI, Connecticut Lobstermen's Association. Back in 1997 and 1998, when we started this process, Connecticut was at 8.3 on the F10 scale. We were in better shape than Maine, Massachusetts, Rhode Island, any state combined. We had a major catastrophe in Long Island Sound.

We had a pesticide kill. It was nothing that the fishermen did, but yet all of the burden is being put on us. All we're asking for is a couple of months to get our program started and to rebuild the stock, and we're getting all kind of negative feedback from the panel.

If it was something that we did, then we deserve what we get. But this was not something that we caused, and we feel we're taking the blunt of it. We have to rebuild the whole stock by ourselves. Thank you.

CHAIRMAN NELSON: Okay, against. This will be the last one.

MR. Frate: Thank you, Mr. Chairman. Roger Frate, President of Western End Long Island Lobstermen's Association, owner of DairyAnn Seafood for twenty-five years; fishing commercially forty-five years. Like I said, before Hurricane Floyd, it was a \$100 million industry.

Lance Stewart has told us about the V-notch and since the disasters happened. The gauge went up last year. Eric Smith said it would be 5 percent; it's 25 to 35 percent. I fish from Greenwich to Westport where 70 percent of the lobsters were caught.

DairyAnn Seafood, the market, what everyone wants is 1 pound, 1 pound and 1/8. There's just about no more 1-pound, 1-pound and 1/8th. So you're killing the market. I went against short-taking back in '97 with a million dollar business because if you threw

the shorts back -- I think it was 3-1/16th -- they reproduce.

I got my building burnt down. This is how hard I try to preserve this industry. I started the logbook with Eric Smith and Lance Stewart, and like I said, the data is wrong. It's a disaster. They're just asking for a couple of months. Doc Gunther, I call him up every day. I do everything but put him in the boat. It's a chemical kill by mankind.

Let Mother Nature take its place. If you're not going to work with us, why are we here? I've have a son that's the best fishermen on the west end of the Sound. I've got another son I had to pull out of college. He's right here. He's a Baltimore P.D. in the drug district. We're asking you for one month. You've got a man like Doc Gunther and Lance Stewart who are geniuses.

Eric Smith; I have no idea where he comes from. I took him out in '74 to make the logbook, and he's totally disgraced the fishermen.

CHAIRMAN NELSON: No, no, that's not -

-

MR. Frate: Well, I'm just telling you what's happening on Long Island Sound.

CHAIRMAN NELSON: All right, coming back to the board with this motion.

SENATOR GUNTHER: Mr. Chairman.

CHAIRMAN NELSON: Doc, go ahead.

SENATOR GUNTHER: I don't know anything about the New York law. Was that accurate, his reading of the law?

MR. COLVIN: Yes, John had a copy and brought it up and showed it to us. It's quite accurate.

SENATOR GUNTHER: Well, I haven't seen it, but doesn't that make it dependent on this board here as to whether or not you implement that in that reading? I'm not a lawyer, thank God, but I do read a few laws.

MR. COLVIN: Ditto, Doc. And as I read it, it is just the way John pointed it out when he came to the microphone, that the law takes affect on the day that the Commission requires that the gauge go up and our commissioner so certifies the LBDC.

SENATOR GUNTHER: In other words, if an action is taken to delay, it would at least give you the extension to November under the existing law?

MR. COLVIN: Yes.

CHAIRMAN NELSON: Okay, you ready for the vote? Why don't you take a minute to caucus?

(Whereupon, a caucus was held.)

CHAIRMAN NELSON: Ready? The motion is Move to delay until November 1, 2006, the gauge increase for Area 6 scheduled for July 1, 2006.

All right, all those in favor of the motion, please raise your right hand; opposed, likewise; abstentions, 1; null votes, no null vote. The motion fails 6 to 2.

Again, you need to provide that proposal so that the board can act on that. August is really the timeframe for you to do that. We've got to go back to the Technical Committee Report, and we need to probably start an addendum to deal with the recommendation.

Then that's also folded into the PRT Compliance Report. There are a number of things that -- based on the status of the stocks, there are things that are out there that are anticipated going into place if the stock was not in a good situation. If it is in a good situation, then some of these things need to follow the recommendation and not put them in place.

So having said that, very briefly, it seems to me the Technical Committee had recommendations for status quo on the Gulf of Maine Stock and the Georges Bank Stock; i.e., Area 3. The Southern New England Stock, they had a recommendation for action.

Now, I would suggest that the Technical Committee strawman be developed with staff and that be forwarded, as a draft addendum, to the LCMTs for them to review the recommendations and for them to provide additional feedback to the staff for what action they would like to see to deal with the recommendations for Southern New England. Does anyone want to go into greater detail on that issue right now? I guess there are a couple. Dan?

**TECHNICAL COMMITTEE
RECOMMENDATIONS FOR ASSORTED NEW
ENGLAND STOCKS**

MR. MCKIERNAN: John, I think the main action you're thinking about is probably the 2-inch vent increase for Area 1, but there's another increase that's coming.

CHAIRMAN NELSON: No, that's coming. There are some recommendations on what needs to be done for Southern New England, and the addendum would only deal with that issue. Okay, that's what we're dealing with in this particular agenda item.

Items as far as vent increases for Gulf of Maine; for example, the board can deal with that by just not putting that forward. Those were if necessary types of issues, and there's several of those out there.

There's some for Georges Bank, there's some for the Gulf of Maine, and that will be the next agenda item today, before we leave. Mark, to my point about Southern New England strawman.

MR. GIBSON: I see on recommendation on this, and that's for the Socio-Economic Committee to do something. There are three options presented for stock rebuilding options. Am I to understand that the 10-year rebuilding plan is part of Option 3?

CHAIRMAN NELSON: Correct.

MR. GIBSON: That 10-year building plan that scheduled, that goes with Option 3 for stock rebuilding, and the text underneath that is some additional recommendations on that 10-year rebuilding plan. How does the closed season fit in?

MS. KERNS: The 10-year rebuilding plan includes the trap reduction, minimum gauge, maximum gauge and the closed season. That is one entire plan.

MR. GIBSON: Everything under 3, input controls down to but not including the recommendation of the Economic Committee, is part of that Option 3?

MS. KERNS: Correct.

MR. GIBSON: Okay. Mr. Chairman, your suggestion is to incorporate these three stock rebuilding options and the other recommendation in the PID?

CHAIRMAN NELSON: I think we would need an addendum, so that then we can go out to public hearing to get comments on what the staff

suggests. What the Technical Committee suggested should go to the LCMTs and the advisors for further input and comes back to the board for the development of the addendum. Then we go out to public hearing to get public comment on it.

MR. GIBSON: How would we ensure is it already understood that other stock rebuilding options could be entertained, other than these three? Where would the latitude for that be?

CHAIRMAN NELSON: Well, I think that we wanted to have the LCMTs come up with their suggestions, and then it comes back to the board for review, and any other ideas that the board may want to put in place for the addendum to go out to get public comment.

MR. DAVID SPENCER: That's fine, thank you, Mr. Chairman. Mark highlighted one of the concerns that I had. By presenting this list or strawman or charge to the LCMTs, I think it maintains some flexibility for perhaps other ways to meet the goal that the TC would like us to achieve. Thank you.

CHAIRMAN NELSON: Pat.

MR. AUGUSTINE: Thank you, Mr. Chairman, a question on the item about reducing trap reductions. Based on the comments we heard today, earlier, it just seems 5 percent might be an arbitrary number.

If I may use Pat White, he said he's not fishing all of his pots, and so therefore he may have whatever the number is; he's only fishing 50 percent of them, what impact will it actually have if there are latent pots out there not being fished.

Nick Crismale from Connecticut mentioned he didn't fish at all and that he's got trap tags. So is there going to be some discussion -- I shouldn't say discussion, but some explanation as to what value that actually amounts to? Thank you.

CHAIRMAN NELSON: The short answer is yes, and the Technical Committee would be providing that type of input to the LCMTs and working with them to help, Number 1, understand what they're recommending, and then also talk about various measures and whether or not I think whether those are real viable, too.

I think that's the type of give and take that you want to have to come back with various suggestions to us on how to move ahead. Eric.

MR. SMITH: We seem to be easing into the contents of Draft Addendum IX, which is what we knew back in February was what we would be starting today, regardless of the lateness of the hour. There are three things I think we need to do, and I think Mark was getting at it, but he didn't use the magic word.

We need a rebuilding schedule that has some variation in it. I mean, the current plan says "do it by 2008". I don't think anybody realistically thinks he can get there for Southern New England in a couple of years.

Whether it's 2009 or 2012 or 2015, I think we should have an ambitious date in there to try and aggressively get the stock on a road tour recovered abundance level, but we also have to be realistic, because 2015 is in the Technical Committee -- I guess that was a draft document.

It didn't really say it, but it really was a work in progress. And maybe 2009, 2012, 2015 gives you a range for a rebuilding schedule, so that would be Point 1. The strategies to achieve your target, I think you have to include V-notch in there if you want to be sensitive to the thing that we have the strong legislative initiative by and a huge initiative obviously from the fishing industry.

Two years ago or a year and a half ago, when I started with this, you know, probably prematurely, I said if I can find a way to conserve lobsters and have 100 percent of the fishing industry behind it, why not try and do it that way.

That's the mode I'm back in now with this legislation that passed. So, you know, if we do nothing else, we should make sure that the suite of management options for Southern New England has not only a minimum size, maximum size, quota, trap limits, but also V-notch, and we'll just have to mathematically create the equivalency so we know how much of this kind of a management strategy we need to be equivalent to the other things to get us towards our rebuilding target. That's the second thing I would add to this.

The third thing is, I honestly and even more so now, but have felt it for about a year now, this plan is going to need a delayed implementation strategy much like we've been considering with other plans.

We need to have a way short of non-compliance that gets us to meet our obligations, or use conservation equivalency to have another alternative instead of the one that we don't like that is racing towards us, but we need to meet our deadlines.

So, I don't care what kind of language is in there yet. Obviously, at Fluke Board we're going to talk more about this in the next couple of days because that's the plan we actually flesh this out.

I would put a place holder in there that if we come to closure on the fluke plan and we think it can be a model for other plans, then we ought to have something in this addendum to deal with that issue as well. Thank you.

CHAIRMAN NELSON: Fortunately we have the person in charge of the fluke plan right here. Well, let me say to Connecticut and Eric the overall concept is, yes, go and come up with alternatives; see what flexibility -- you do have the 2015 as the timeline that you should be meeting that.

If there's good reasons to have different timelines in there, that's what the LCMTs and technical folks should be banging around so you can come back to us, we can develop an addendum, and go out to public hearing with some very good options for consideration.

MR. SMITH: The only thing I would add to that, I want to encourage us not to just say 2015 so we just mentally gravitate to that. We should have something more ambitious in there in a range, because I'd like to see what the analysis says, frankly.

If it says, yes, it's pretty bad, but we could get there by 2009, and maybe that's the thing to do, or 2012 -- if we just say 2015, that's all we'll do. Maybe in retrospect we'll wish we had gone out to hearing with something else.

CHAIRMAN NELSON: Staff has those comments written down. Okay, Gordon and then Bill.

MR. COLVIN: I want to specifically agree with a couple of the things Eric said. It's essential that we include V-notching and any other thing of that nature that we can think of that has the capability of directly affecting the fishing mortality rate.

Our first job in Area 2 will be to reduce exploitation to below the threshold. A lot of things don't do that but some things do, and a V-notching program can. There may be other kinds of release programs besides V-notching that could also have that affect, and they all ought to be looked at.

Males only, no culls, lots of other things have been thrown around over the years. The other thing is on this issue of rebuilding schedules, I think it's very important to have some alternatives. I think some of the alternatives need to be longer than 10 years, or at least one of them does, not just shorter.

I think in terms of what the fishermen have said, we are dealing in Area 6 with an environment that has been in recent years inhospitable to lobster survival. We can do whatever with the exploitation rate and get nothing in terms of stock rebuilding.

So as a consequence, I think we need to have some options on the table that on the one hand control exploitation within the thresholds and ultimately the targets, but also recognize the fact that rebuilding may take longer in a climate in which, Number 1, we're starting with a very low level of abundance as a result of the die-offs.

And, Number 2, where environmental conditions have been very problematic for lobster recruitment and survival. I also very much agree, in light of last year's events, with Eric's comments about delayed implementation, and I'll just leave it at that.

CHAIRMAN NELSON: Thank you, Gordon.

MR. ADLER: Thank you, Mr. Chairman. I was listening to comments about stock in decline when it's on the increase. Also, the thought of reducing to the target; now since the stock assessment in 2003, other rules have gone in since that time.

Hear we are looking at Addendum IX with -- I don't know whether we're back towards the target already given the fact that these numbers were produced before more rules went in. More rules have gone in now which supposedly is supposed to do something for the stock.

So, are we already getting back to the target and the threshold, or whatever that we're supposed to get to? So, I'd like to see some of these rules that we just put in given a chance to work before you hammer the fishermen again with some more rules.

CHAIRMAN NELSON: Bill, could I just --

MR. ADLER: I'll end there.

CHAIRMAN NELSON: Well, thank you for also ending there, but I think you can argue those points when we have an addendum before us to see whether or not you want to pass that to go out to public comment; or, when it comes back, whether you want to implement it. I'd save that for at that time.

MR. ADLER: Yes, I will argue it at that time. Thank you.

CHAIRMAN NELSON: Okay, anyone else on the board? To the audience.

MR. TED CULVERT: Ted Culvert, Ocean Technology Foundation running the North Cape Program. Opportunity particularly for Technical Committee, but might be an opportunity for anybody else here, but from the bio-technical DNA perspective, we have over a million chunks of lobster chads, V-notches, saved in a freezer.

We don't know what they're going to go for and where they're going to go in the future. They may get thrown out. But if it could help looking at the analysis of Southern New England, I think they could be made available to some research and some science that could be moved ahead.

We know with those pieces what day they were harvested on, what season, what location. We know they're all female. So there's quite a bit of information there and we'd hate to lose it when we end the program this summer. Thank you.

CHAIRMAN NELSON: All right, thanks a lot. Staff will take a look and see if there's anything we can do with that. David, did you have anything further?

MR. SPENCER: Thank you, Mr. Chairman. I just had a question. In particular, which lobster management areas would be tasked with these recommendations? Thank you.

MS. KERNS: That would be LCMA 3, 4, 5, 6, and 2, and that is all.

CHAIRMAN NELSON: All right, staff will go forth and work with the LCMTs of those areas. The next item on our agenda is the Compliance

Report. There are some action items here based on the Stock Assessment work provided by the Technical Committee.

COMPLIANCE REPORT

MS. KERNS: Thank you, Mr. Chairman. The Compliance Report was included in your CD materials. The first general recommendation from the PRT is that until there is further board action, all "if necessary clauses" are necessary and are considered necessary as part of this compliance criterion.

The Technical Committee just gave you a report in which they recommended that the Gulf of Maine and Georges Banks management measures remain status quo. So if it's the board's prerogative to do so, then you would need to make a motion to undeer the "if necessary" clauses for any LCMA that falls within the Gulf of Maine and Georges Bank wholly. They could not be an LCMA that is half in one of those areas. That's the first recommendation.

CHAIRMAN NELSON: All right, let's deal with these. Motion?

MR. LAPOINTE: So moved.

CHAIRMAN NELSON: George, thank you very much. Seconded by Ritchie White. Specifically which were the "if necessary", just so we have them in our minds again?

MS. KERN: Those "if necessities" include: in Area 1, the vent increase in 2007, and then the gauge increase in the Outer Cape Cod this year, and the 5 percent Trap Reduction in Outer Cape Cod. I believe that's all. I'm sorry I'm not prepared for that question.

CHAIRMAN NELSON: All right, the intent is for any of the "if necessities" for the Area 1, and Outer Cape Cod and that was Georges Bank. Okay, that those would not be implemented. Any comments on it? Want a caucus? Would Bonnie like to come up and make a comment?

MS. SPINAZZOLA: Thank you. Are you doing this by LCMA or by stock area, because the "if necessities" are done by LCMA's.

CHAIRMAN NELSON: Yes, we just went through them for the LCMA --well, Area 1 and Outer Cape Cod are the two areas that we are talking about. And again, if there's one that we have missed, that

Toni did not list, the intent is to deal with any of the "if necessities" that are not necessary.

MS. SPINZAAOLA: That's what my concern was. As far as Area 3 is concerned, we did have some "if necessities", but Area 3 intends to leave everything on the table and continue their reduction schedule, gauge increase schedule and anything else that we -- and I think it was just the gauge increases that we had "if necessary" and we plan to continue that and not take it off the table.

MS. KERN: Because the Area 3 falls within a stock area that is not being recommended to remain status quo, that "if necessary" provision is not being recommended to be taken off the table.

CHAIRMAN NELSON: Okay, Joe, do you need that read? Okay, Toni.

MS. KERN: Move to repeal "if necessary" provisions in those LCMA's that fish on stocks that are not considered over-fished or depleted. This motion would affect the following requirements: The Area 1 escape vent increase due in 2007; the Outer Cape Cod gauge increase beyond 3-3/8 of an inch; and trap reductions beyond the 20 percent reductions due by 2008.

CHAIRMAN NELSON: Okay, Harry.

MR. MEARS: Just for clarification, Mr. Chairman. Could I get a confirmation that in fact the 20 percent reduction in the Outer Cape is in fact an "if necessary"?

CHAIRMAN NELSON: The 20 percent, Harry?

MR. MEARS: The trap reduction beyond the 20 percent reduction due by 2008. As the motion reads and as I understand the motion is identified as an "if necessary" that could be repealed. I just want to confirm that in fact it was an "if necessary" in the plan.

CHAIRMAN NELSON: Okay, on our table we had 25 percent. That's why we're taking -- we'll take a look at it. Caucus for a minute.

(Whereupon, a caucus was held.)

CHAIRMAN NELSON: Harry, there was an additional 5 percent "if necessary" beyond the 20 percent. Beyond 20 percent is what we are talking about as "if necessary", and it happened to be 5

percent. If this action didn't take place, it would be 25 percent.

All those in favor please, say aye; opposed; abstentions, 1; null votes. So it passes by voice vote.

MS. KERNS: The next issue is the Addendum 3 footnote. The TC has completed a report in previous years indicating the Massachusetts V-notching compliance rate. The PRT is recommending that the TC again complete this report for 2006 to look at the Massachusetts V-notching compliance rate.

CHAIRMAN NELSON: Anyone object to the TC completing the report? No objection.

MS. KERN: The next under the report is the Compliance Section. Due to the action that was just taken by the board, the Massachusetts Compliance Section is now removed. Non-compliance is now removed.

In Connecticut and New York, according to the compliance reports that were handed in, there was no regulatory language that stated that both Connecticut and New York were increasing their Area 6 gauge from 3-9/32 to 3-5/16; as well as in this part of the plan, the "if necessary" provisions indicate that there are two paths that the board may chose for the Area 6 to reach the F10 goals as outlined in Addendum 3.

On the last page of your PRT Report, you can see those two paths. The first path is to evaluate a gauge increase in effort reduction from trap tag buy-back programs in 2007; implement another 1/32 gauge increase and/or a 2-inch escape vent increase and/or V-notch some percentage of female lobsters and establish a maximum gauge size.

Then in 2008, again increase in the escape vent as well as a V-notching programming and a maximum gauge size. The second path was to implement a 2-inch escape vent size, if a gauge increase was implemented in 2005, which it was, and to evaluate with new information confirm that the over-fished threshold has been met or exceeded; and again in 2008 do the same.

Here we just need to evaluate. You can either chose to look at the compliance criterion for the gauge -- in New York, I believe we had clarification from Gordon earlier that it is in the law that the gauge increase will be put in place. For Connecticut that is not as clear.

CHAIRMAN NELSON: Gordon.

MR. COLVIN: I just wanted to personally state on the record what should be obvious from the earlier discussion that what's stated in the report provided to the board on State Compliance Reports for New York is in error. I just looked at our compliance report. I think our compliance report is correct.

It correctly summarizes the law, and a copy of the law was attached. There's not an issue with respect to the gauge. I do think that there's an issue with respect to actions beyond 2006 in light of the adoption of the addendum earlier today.

We are no longer on F10, so I think everything after 2006 should be off the table, as far as I know, and I just wanted to make sure, given that earlier action, that's the case.

CHAIRMAN NELSON: They were just reporting on that, that's correct. The board notes that New York is in compliance for 2006, pending the signing by the commissioner. Eric, do you have anything that you want to add?

MR. SMITH: Gosh darn it, I tried to get in trouble once before. Let me see if I can do it again.

CHAIRMAN NELSON: Eric, would it be easier for you -- my sense is that we told you to have a plan, to take a look at your request for conservation equivalency by the August meeting.

MR. SMITH: That is an option we have, but what the plan requires is the gauge increase on July 1st. Senator Gunther is absolutely right, the regulation that we submitted for regulations review by the committee he sits on, that's the final stage of our regulation process. The committee deleted the requirement for July 1st of 2006 because it was not yet required. We're not out of compliance yet. We didn't need a regulation that had that measure in there.

However, as I said earlier, there are two different ways for us on a fairly short period of time to get into compliance as of July 1st. If those don't happen, then come July 1st, we have to notify the Commission we're out of compliance.

So the fact that we don't have the language in there does not mean we're out of compliance. It means we have to have that rule implemented on July 1st, and

we do have the mechanism and state authority to do that.

CHAIRMAN NELSON: Okay, any questions on that?

MS. KERNS: The last part of the PRT Report is the request for de minimis status. **The states of Delaware, Maryland, Virginia, and North Carolina have requested de minimis for 2006, and they would need a motion to approve that.** They meet all of the requirements.

CHAIRMAN NELSON: Motion for de minimis for Delaware, Maryland, Virginia, North Carolina. Pat and Vito seconded it. Any objections? No objections. It is so adopted. Okay, any other business to come before the Lobster Board? Vince?

OTHER BUSINESS

EXECUTIVE DIRECTOR O'SHEA: Thanks, Mr. Chairman. I meant to bring this up as a question when Penny gave her Technical Committee Report. But in Area 514, I thought I heard you say that the indices were at an all-time time series low, and that was generating a concern of stock in 514.

As I remember the stock assessment, that was based on data up through 2003. I also think that some of that is trawl survey data. Are those the indices? So, my question is do you know what has happened in 2004 and 2005? Those surveys have already been made. Do we have the indices from those two years?

MS. HOWELL: My understanding is the indices have not substantially improved, but maybe the representatives from Massachusetts would confirm that. I don't know that they're still at time series lows, but there's still concern that they're low.

EXECUTIVE DIRECTOR O'SHEA: Mr. Chairman, just to follow up. My understanding is that some of them were from the Northeast Trawl Survey from the National Marine Fishery Service.

MS. HOWELL: No, this is referring to the Massachusetts State Trawl Survey.

EXECUTIVE DIRECTOR O'SHEA: For 514?

MS. HOWELL: 514 is the inshore area.

CHAIRMAN NELSON: Dan, do you have any further info on that?

MR. MCKIERNAN: Vince, 2004 data are captured in the Compliance Report.

CHAIRMAN NELSON: Any other points to come before the board? All right, we are adjourned. Thank you very much.

(Whereupon the meeting was adjourned at 7:00 o'clock p.m., May 8, 2006.)
