

ATLANTIC STATES MARINE FISHERIES COMMISSION

AMERICAN LOBSTER MANAGEMENT BOARD

Quality Hotel and Conference Center

Arlington, Virginia

July 17, 2001

TUESDAY MORNING SESSION

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The American Lobster Management Board of the Atlantic States Marine Fisheries Commission convened in the Presidential Room of the Quality Hotel and Conference Center, Arlington, Virginia, Tuesday morning, July 17, 2001, and was called to order at 10:00 o'clock a.m. by Chairman Gordon Colvin.

CHAIRMAN GORDON COLVIN: I'd like to call to order the American Lobster Management Board. I'm going to ask Heather to call the roll.

(Whereupon, the roll call was taken by Ms. Heather Stirratt.)

MS. HEATHER STIRRATT: Mr. Chairman, you have a quorum.

CHAIRMAN COLVIN: Thank you. I would ask Board members to refer to the agenda. Let me ask first are there any additions or suggested changes to the proposed agenda? Are there items of other business that folks would like to ask for? Harry Mears.

MR. HARRY MEARS: Yes, Mr. Chairman, I would like to present an update on a summary of the recently completed biological opinion on the lobster fishery under the Endangered Species Act. I could add this as a sub-item B under the NMFS status report.

CHAIRMAN COLVIN: Without objection, we'll take that as Item B, under Item 10. Let me suggest under Item 11, other business, I'm going to ask George Lapointe for a very brief update on the U.S./Canada consultation. Bruce Freeman.

MR. BRUCE FREEMAN: Yes, I have an item under other business, just a report of what New Jersey is doing in the recreational lobster pot fishery.

CHAIRMAN COLVIN: Bill Adler.

MR. WILLIAM A. ADLER: I don't know the appropriate time. I just wanted to let everybody know that Ralph Maling passed away in June. He was our former chairman of the Advisory Panel.

CHAIRMAN COLVIN: Thank you, Bill, and indeed thank you for that reminder, and I would ask, frankly, at this moment that the Board observe a moment of silence in memory of our first chairman of our Lobster Advisory Panel, a good friend and someone that we will all miss dearly.

(Whereupon, a moment of silence was observed.)

CHAIRMAN COLVIN: Thank you. Is there any objection to approval of the agenda as modified? Without objection, so ordered.

Minutes have been distributed for the Board meeting of April 25, 2001. Are there corrections or additions to the proposed minutes? Moved by Bill Adler, seconded by George Lapointe. Is there objection to the motion to approve? Without objection the minutes are approved.

The next agenda item is public comment. At this point we would entertain comments from any of the members of the public or guests of the Board at this time, recognizing that should our guests wish to address any of the issues that come up later on the agenda, they will be welcome to do so at that time. Is there any general public comment at this time? Seeing none, thank you. We'll look for you again on the agenda items.

The next agenda item which is an action item for the Board is the report of the Plan Review Team. Heather.

MS. STIRRATT: I developed a Powerpoint presentation this morning which will hopefully speed things along given that we have a very full agenda ahead of us. But the Plan Review Team reviewed state compliance recently on June 6.

We submitted a report which was distributed via CD-rom as well as in the meeting packets at the back of the room. This report I will assume you have read from front to back and you know the intricacies of all the comments that the PRT has made.

And in that regard, I will just be hitting on the highlights of the statements that came from the PRT relative to each state. This may be a little bit difficult to read. It was difficult for me to get the entire table up here in summary format, but I will just hit the highlights.

For the state of Maine in terms of trends, notable trends that the PRT wanted to comment on, there were record landings for the year 2000, upwards of 550s in the terms of millions of pounds landed.

In terms of management changes, the state of Maine implemented a limited entry in five of their seven zone councils. And in addition to that, the state of Maine had no deficiencies in their

report, had no areas of concern, and there were no compliance issues for the state of Maine. So the PRT is recommending that the state of Maine be found in compliance in regards to their compliance report.

For the state of New Hampshire, it's notable that the landings were down in 2000, and that is compared to the '99 landings. It is also notable that for the past few years their landings have been decreasing.

In terms of management changes, it's notable that the state of New Hampshire has revised their helpers' licensing. That helpers' licensing revision made their regulations more stringent than they were previously.

In terms of deficiencies, areas of concern and compliance issues, there were none to report for on the state of New Hampshire. And in addition, the PRT would recommend that the state of New Hampshire be found in compliance for this calendar year.

For the state of Massachusetts, it was notable in terms of trends that their dive survey indicates a decline in early phase of benthic lobster abundance. In terms of changes, deficiencies, areas of concern and compliance issues, there were none to be found for the state of Massachusetts. As a result the PRT is recommending that this state be found in compliance for this calendar year.

For the state of Rhode Island, the notable trend was the presence of shell disease and the large die-off associated with the North Cape oil spill. In terms of management changes, there was an implementation of a minimum gauge size increase which, as you all know, was something that Area 2 had agreed to in Addendum II.

They have already implemented their first round of gauge size increases so that was interesting to take note of. In terms of deficiencies, areas of concern and compliance issues, there were none to report on behalf of the state of Rhode Island.

And, in terms of recommendations for action, the PRT is recommending that the state of Rhode Island be found in compliance, and I apologize for the typo in terms of the abbreviations for Rhode Island.

For the state of Connecticut, it was notable that mass mortality and shell disease are currently occurring and continue to occur in Long Island Sound. And in terms of management changes, deficiencies, areas of concern and/or compliance issues, there were none to report for the state of Connecticut; therefore, the PRT is recommending that Connecticut be found in compliance.

For the state of New York, the PRT noted that there have been again mass mortality events as well as the presence of shell disease in Long Island Sound. The management changes that have occurred in New York pertain to their monitoring program, which has been substantially increased in the past calendar year and will continue to be so given the problems that are associated with the Long Island Sound populations.

It's also notable that New York instituted their trap tag program. It was effective in June of this year. In terms of deficiencies there were none associated with the report that was submitted.

Areas of concern were noted for the state of New York in that New York has still not implemented the circular escape vents required under Addendum I. This was something that was noted in the PRT report for 1999 and continues to be a problem.

Compliance issues relate directly to this in that Addendum I requires circular escape vents to be put in place by September 1 of 1999, and in fact that has not occurred.

It is our understanding, upon speaking with the state of New York, that this is a rule-making issue that they have had difficulty just getting this through. So I will let New York speak to that effect.

In terms of what recommendations the PRT is providing on behalf of New York's compliance is that the PRT recommends that the Board issue a time-certain by which the state of New York must implement the specifications of the circular escape vents required under Addendum I.

For the state of New Jersey, in terms of notable trends the abundance in the 2000 trawl survey was the lowest in a decade relative to lobster abundance. In terms of management changes, the state of New Jersey has adopted rules requiring a permit to land lobsters by lobster traps.

There were no deficiencies in the New Jersey state report and so there are none commented on here. In terms of areas of concern, the PRT noted that the permitting regulations which are currently in place and have been approved by the state of New Jersey are inconsistent with the requirements for Areas 3, 4, and 5 in Addendum I.

This, of course, is a compliance issue in that the permitting regulations differ substantially from those required under Addendum I.

The recommendation for action is that the PRT request that the state of New Jersey clarify the intent behind the current permitting regulations and provide an explanation for the

difference between the regulations implemented and these required by Addendum I.

For the state of Delaware, Delaware has requested de minimis status. This would mean that Delaware has not exceeded the 40,000 pound threshold which has been set for de minimis status.

They had no management changes, deficiencies, areas of concern, compliance issues related with their report, and, therefore, the PRT is basically recommending that they be given de minimis status and that they also are in compliance with the plan.

In terms of Maryland and Virginia, they meet the same degree as Delaware does. They are also requesting de minimis status. There were no deficiencies, no management changes, no areas of concern nor compliance issues associated with their reports.

The PRT also noted a number of general comments in their report to the Board. These include a series of different bulleted points, but I'm just going to hit the highlights, the first of which dealt with enforcement.

There is a question about the enforceability in multiple minimum gauge sizes along the coast. As many of you all know, in Addendum II we had minimum gauge size increases for Areas 2, 3, 4, 5 and the Outer Cape.

We did not have minimum gauge size increases for Area 6 or Area 1. And so the question becomes is it enforceable to have a program in place like that. So the suggestion from the PRT is that we establish a subgroup or subcommittee of Law Enforcement Committee representatives and the socio-economic subcommittee members to try to address whether this is in fact enforceable and some of the socio and economic concerns that may result from having differing minimum gauge sizes up and down the coast.

In addition, there was a perception that the trap tag program is not being adequately enforced both within state waters and within the federal waters. We, the PRT, are asking that states document their efforts to enforce the trap tag program in their annual reports.

Knowing that this is not something that is usually done in the submittance of your annual reports, it would be something that would be extremely helpful when we start to evaluate whether or not our plans are fully enforced or not.

And in addition, we thought that it might help the PRT discussions, when enforcement issues start to come up, to have an additional LEC member assigned to the Plan Review Team each year.

The second concern that was raised by the Plan Review Team was a question concerning the implementation of Addendum II requirements. Basically Maryland and -- again, Rhode Island, I apologize -- Rhode Island expressed their intent for implementation in their annual reports.

The other states, we have not a clue as to when they are going to implement those minimum size increases or any of the other provisions that were included in Addendum II. So it would be nice if the states in next year's report would tell us how they have implemented those regulations.

You'll notice the past tense terminology used there because by December 31st of this year all of the states who have elements or all of the areas who have elements in Addendum II will have to have fully implemented those regulations.

And the final and last issue that the PRT raised was relative to multiple licensing issues. This gets at a discussion that really Dick Allen had raised amongst PRT members about the pregnant boat syndrome, where we have a goal in our FMP that speaks to flexible regional programs and the ability to control effort and reduce mortality or at least control mortality.

This goal may be compromised if in fact multiple licenses are issued per boat as compared to a single license per boat due to the increases in fishing effort as well as mortality. Mr. Chairman, that concludes my review. If there are specific question, I'd be happy to try to answer them.

CHAIRMAN COLVIN: At this point, does the Board have any questions with respect to the report of the PRT? No questions? Heather, could you identify for us the specific actions items.

MS. STIRRATT: Yes, Gordon, there were two actions items based upon the PRT request. They pertain specifically to the states of New York relative to identifying a time-certain by which New York would have to implement their circular escape vents, and also to the New Jersey item or area of concern and compliance issue relative to the permits and licensing. It's my assumption that we would need to have some kind of a detailed discussion about those two elements.

CHAIRMAN COLVIN: Do we need to take any action on the de minimis recommendations?

MS. STIRRATT: Yes, we will also need to approve those.

CHAIRMAN COLVIN: Now those are approved year by year, I believe?

MS. STIRRATT: That's correct.

CHAIRMAN COLVIN: Okay, then there are I think 1, 2, 3, 4 of those. Okay, I'm going to suggest that we take them in the order that Heather just went through them.

And let me take the opportunity to briefly bring the Board up to date on the New York situation. This is not much different than what I spoke to you about before when the last time this came up. There are very few lobster pots in New York that have circular vents.

It's a very small issue in terms of the number of pots. The Department of Environmental Conservation is authorized to address this issue through rulemaking. And there is a rulemaking in process now, in progress, a comprehensive package of rules that addresses regulations for the blue crab fisheries, other crab fisheries, reporting requirements for lobsters and crabs, and at the end of that very large dog is a tail that has the circular escape vent provision in it.

That rule is under final review at this moment in our Office of General Counsel and is expected to be published as a notice of proposed rulemaking in the state register very shortly. And that is the status. As you can see, it's a fairly complex issue. John Nelson.

MR. JOHN NELSON: Thank you, Gordon. Do you have some date that you're comfortable that New York would be able to have that in place; and, again, reflecting back on the PRT recommendation, have some time certainty associated with that?

CHAIRMAN COLVIN: Fair question. I see no reason why the rule shouldn't be finished by six months from now, based on our ordinary rule-making process. Is there discussion or a motion? Ernie.

MR. ERNEST BECKWITH JR.: Gordon, would there be any advantage to you or assistance in the process if New York received a letter from the Board?

CHAIRMAN COLVIN: I think it might be -- it certainly wouldn't be harmful at all and it might be helpful in terms of assuring that the issue remains a priority in Albany. It is a priority on Long Island.

And, of course, as I told you, this is a small part of a bigger rule that has some complex and prospectively controversial components. But as we all are, we have a limited ability to put rule-making initiatives through the mill, and we do have to combine things to make them work.

And it would be easy for me to say that this is a small, insignificant issue that could be attended by its own, on its own in a couple of months, but unfortunately it's part of a bigger package, and it's going to take a little longer than that.

And there are other elements of that package that are very important. For example, there's a big piece of it that's extremely important to one Senator Owen Johnson who has been kind of on our backside to get this done, and that, too, will be helpful and has been helpful in getting it put to the top of the pile in the Office of General Counsel. But I think anything on the record that would help keep it there would be useful. Bruce.

MR. FREEMAN: Gordon, for those New York vessels that are fishing in federal waters, under the federal rule they're required to have this circular vent so this really pertains to state waters?

CHAIRMAN COLVIN: Yes. Well, we would only be applying a rule to state waters.

MR. FREEMAN: Right. But at the present time New York fishermen fishing in federal waters have to comply with the federal rule which has this size in it already.

CHAIRMAN COLVIN: Yes. And as I said there are very, very few lobster pots in New York that have circular vents. The rectangular vent size in New York does conform to the plan and that's 99 percent of the vents in pots. George.

MR. GEORGE LAPOINTE: I don't know if we need a motion or not, but Ernie's idea of a letter is a good one. It should probably come from the Executive Director and not the Chair of the Lobster Board at this point.

CHAIRMAN COLVIN: I think that would be a good idea.

MR. LAPOINTE: And then we should revisit the issue. I mean if you need six months, that's around the first of the year. We should put the item on the first Lobster Board meeting in 2002 for review. Do we need a motion or is that good enough?

CHAIRMAN COLVIN: Well, let me ask the Board. Is there objection on the part of the Board to development of a letter along the lines that has been suggested by Mr. Beckwith and Mr. Lapointe? I think that would be consistent with the PRT recommendation. And without objection, we'll proceed along those lines. Thank you.

Let us turn then to the findings with respect to the New Jersey permits. This is a complex issue. I want to ask Heather, if she can, to describe the issue to some greater level of detail and



then I'm going to recognize Bruce Freeman.

MS. STIRRATT: Okay, as Gordon has already stated, this is a very complex issue. This morning you all should have received -- and you did receive in advance, but I pulled it out of your meeting packets to really put it in front of you this morning -- a one-sheet summary of the New Jersey regulations relative to limited entry. I'll give everybody just a few seconds here to get it in front of them.

Okay, just to begin, initially, you will notice, upon looking at this, that there are a series of six different permit categories listed on this page. The first three have already been adopted by New Jersey in their state regulations.

It is my understanding -- and Bruce may need to clarify on this -- that those three, because they've already been adopted and are already effective as of 3/31/01, that they are issuing permits in this regard.

The proposed Type D, E, and F are just that. They are proposed. They are not issuing permits so this is something that's clearly up for debate in the state of New Jersey.

The reason why the Plan Review Team wanted to call your attention to this licensing structure is that you will note for Type A, B, and C permits, New Jersey has lumped Areas 3, 4, and 5 together.

In Addendum I there are clearly differing criteria associated with each of those areas. For instance, if you look at the qualifying periods associated with Area 3 in Addendum I, it states that the qualifying periods will be March of 1991 through 11 of 1997.

So just by example, if you'll follow me here, if you look at Type A permits and you go down to number two, you'll notice that the date is March 25 of '91 to September 3 of '98, which is inconsistent with Addendum I's requirements.

Now, it's not inconsistent with Areas 4 and 5, but it's inconsistent with Area 3. The same is true of Type B and Type C. You'll note that the qualification periods there are substantially larger than what is found in Addendum I for all three areas.

For Area 1, again, just to brief you again, it's March of '91 through '97. For Areas 4 and 5 it's March of '91 through '98. So a qualifying period of January 1 of 1980 to '91 is substantially different from what is in the addendum.

In addition to this, I would simply note that there are other things that are found in Addendum I relative to trap reduction

schedules that are specific to Area 3 and do not speak specifically to Areas 4 and 5.

By lumping the three areas together in this permitting category as New Jersey has done, does, in fact, cause problems because there are differing regulations by area in Addendum I.

So those are just some of the elements that I wanted to point out to you. If you really want to get specific, I can walk you through each of the area requirements in Addendum I and point out where the differences are.

One thing I will raise at this point is that in a discussion this morning with Jack Dunnigan, there is an element within Amendment 3. It's found in Section 3.2 under measures applicable to all states in areas along the Atlantic Coast.

This section, as you may recall, allows for the consideration of conservation equivalency. This section contains a section on permits and licensing so it is possible that the state of New Jersey could come back to us with a proposal for conservation equivalency in this regard, and it may or may not meet the conservation equivalency requirements.

If it does, this is a moot point. If it doesn't, then we have a compliance issue on our hands. And I guess at that point I'll defer to Bruce unless there are specific questions of me.

CHAIRMAN COLVIN: First I just want to ask if the Board has questions for Heather with respect to the report and the recommendations that the PRT have made. Is the Board clear on the nature of the concerns expressed by the PRT? Pat.

MR. PATRICK AUGUSTINE: Thank you, Mr. Chairman. Let's assume we all are in concurrence with all of the state reports with the exception of New Jersey and New York, would it be appropriate at this point in time to make a motion to accept those as recommended by the PRT, those states, and then move forward or wait until we've finished the discussion on New Jersey?

CHAIRMAN COLVIN: Well, having initiated that discussion, I think that that motion ought to wait until we're finished with the other three action issues, Pat, but thank you, that would be in order at the end of that process. Discussion on this issue or questions of Heather on this issue? If there are none, I'm going to recognize Bruce Freeman.

MR. FREEMAN: Thank you, Mr. Chairman. As indicated by Heather, this situation is quite complicated. We've been involved in trying to put a limited entry system in place for the last two and a half years and have had a number of public hearings on the

issue.

Let me just preface my remarks by indicating at the present time the federal system prevails. The number of pots that are being fished are the 800 per individual. New Jersey's permit system will have no bearing at all until the federal system changes and Harry, I guess, will report on that later in the meeting.

At the present time, under our existing system, if in fact our permits became valid -- and, again, it's predicated on the federal system changing to comply with what the Commission has asked for for historical purposes -- we have approximately 50, five-zero, George, five-zero fishermen, and right now a total of about 63,000 pots for both state and federal waters that would be fishing from New Jersey.

So our fishery is very, very small compared to others except for those states to the south of us. However, to those 50 fishermen, it's extremely important, it's their entire livelihoods. And we're trying to accommodate a number of issues dealing with some that Rhode Island had dealt with recently with how we include historical fishermen that have been in the mobile gear fishery, which in New Jersey's case, similar to Rhode Island's, was the principal fishery.

In order to do that, we'd have to change the date, which we've gone back to 1980 in some instances. And, also, more recently, with the problems that occurred in Long Island Sound, particularly the western end of the Sound, we have fishermen now that are residents of the state who historically have fished either in Connecticut or New York and now are essentially out of that fishery, have acquired federal permits, but unless they're allowed to land in some states, they're going to be eliminated from the fishery.

And some of these people have been involved in the fishery for over 15 years. And so you'll see some of the date changes. The only thing I can indicate is, again, it's a relatively small number of people.

The amount of fishing we do is limited so far as the pots are concerned. And the total harvest in New Jersey is around 900,000 pounds, so it's not quite up to Maine's harvest at the present time, nor do we anticipate it being so unless we could change geologically what our bottom consists of.

What we could do, Mr. Chairman, and I think the recommendation that the Plan Development Team or Plan Monitoring Team, is to go back and review these issues with us and try to resolve these. At the present time, as I indicated, we do not have the permit system applied to any fishery. The existing federal permit regulations

do prevail.

CHAIRMAN COLVIN: Pat.

MR. PATTEN D. WHITE: A question. Did you say that right now you're abiding by the federal regulations so the 800 trap limit, either state or federal, is the limit?

MR. FREEMAN: Yes.

MR. WHITE: And the second question, in the two reports in here on Area 4, LCMT Area 4 and 5, LCMT 4 said it referred back to the '98 and '99 meeting, but it didn't say what they're recommending. What were the recommendations of the two LCMT's for those two areas?

MR. FREEMAN: I think the issue there, Pat, was simply the dates, if I recall.

MR. WHITE: Oh, there wasn't any amount proposal in there?

MR. FREEMAN: No, originally not. And if you recall, subsequent to that meeting, we had requested a cap of 156,000 traps in New Jersey, so we're also working to make sure we maintain or stay under that cap. At the present time, we're less than half that cap. So if we need -- well, let me just stop there.

CHAIRMAN COLVIN: David.

DR. DAVID SPENCER: Bruce, I had a question. When you allocate traps for Management Area 3, is that intended instead of the Area 3 criteria or, in other words, do they still have to -- when you issue an Area 3 allocation, do they still have to meet the Area 3 criteria?

MR. FREEMAN: Yes. And that's the confusing thing, Dave, the way these are written. As Heather pointed out, they comply with Area 4 and 5 but not Area 3, but relative to the way we issue them, they'd have to comply with the 20,000 pound minimum and all the other requirements, but it's not specific to the regulation.

CHAIRMAN COLVIN: Pat.

MR. AUGUSTINE: Thank you, Mr. Chairman. In the description that the PRT was concerned about, they wrote this sentence that said, "The PRT is additionally concerned that these regulations will result in considerable increase in the fishing effort, let alone the confusion amongst constituents and groups."

Do you have a sense that there will be a relatively large increase? From what you're describing, it doesn't sound as though

it ought to.

MR. FREEMAN: Well, just to give you an example, Pat. At the present time, I think there's approximately 200 federal permits issued to vessels fishing from New Jersey. At 800 traps per vessel, it's about 160,000. Again, we're talking certainly somewhere under 100.

I think eventually it will probably be around 70. It may not even reach that, but it will be considerably less. And, actually, the pots being fished will -- or the pots even having the opportunity to be fished will be considerably less than 160,000.

So whatever this works out, it's going to be much less than what now could be fished. I'm not indicating that all 160,000 pots are being fished. We do not believe that to be the case. But certainly, that could occur and under our system it would be considerably less than that.

CHAIRMAN COLVIN: The chairman has a question for Heather. Heather, I assume that the conclusions and recommendations of the PRT related to the regulations that are presently in effect, those that were effective 3/31/01; I note that there are proposed pending adoption additional regulations that may be adopted imminently by New Jersey, and I wonder if the PRT could comment or if you could comment on whether these proposed regulations or what their effect would be in terms of either complicating the situation or helping to address it.

MS. STIRRATT: The PRT, when we looked at each annual report, went through based upon what is currently on the books. There was a discussion at one of the conference calls amongst PRT members relative to these permit types that were proposed.

And at that time the Plan Review Team did discuss the fact that Types D, E, and F would also be inconsistent with Addendum I. So, in terms of does the proposed permitting categories make the situation any better? No.

Does it meet the requirements of Addendum I? No. What's the degree to which it will impact effort increases or fishing mortality? That is something that would require more substantive work.

CHAIRMAN COLVIN: Bruce, can I ask you what the timetable is for New Jersey with respect to final decisions on the D, E, and F permits?

MR. FREEMAN: Gordon, we have a regulatory process similar to yours and we anticipate it fairly soon. But, again, these would not have any implementation values relative to the existing

system. The prevailing system for the federal system is going to preempt this. It does at the present time.

I would indicate on the Type D permit, the recreational lobster permit, it's an issue that I raise under other business, but the existing system we have in place -- what we're advocating here is going to be considerably more conservative.

If you want to fish a lobster pot in state waters, you need a \$100 license, and it makes no difference whether you fish a commercial or recreational.

There are no limitation on the number of pots can be fished nor is there any limitation on the number of lobsters that can be caught. The regulations pertain primarily to minimum size, vents and so forth.

What we're proposing at the present time, since there is no limit, that person has to retain the \$100 license, that it be limited to ten pots they could fish -- right now it's unlimited -- and they could keep six lobsters per day, and right now it's unlimited.

So from this standpoint, it's considerably more restrictive. And so what I think will happen, it will go from our five existing licenses for recreational -- five, George -- to one. We'll have one person with this license.

So we're going through a tremendous -- and, again, we're doing it relative to what we've done on the commercial side to make sure both sides are being treated fairly. But, from an administrative standpoint, it just really doesn't make too much sense, but we're going through a lot of aggravation just to reduce the catch of five people to one.

CHAIRMAN COLVIN: Carl.

MR. CARL WILSON: Yes, Bruce, I just want a little clarification. Originally you started out saying that there were approximately 50 fishermen fishing somewhere around 60,000 traps?

MR. FREEMAN: Yes.

MR. WILSON: And are those federal and state permit holders?

MR. FREEMAN: Yes.

MR. WILSON: Okay. And then you went on to say that there's approximately 200 federal lobster permits issued --

MR. FREEMAN: Correct.

MR. WILSON: -- to New Jersey fishermen. Would those 200 federal permits also have a state lobster permit at this time?

MR. FREEMAN: No.

MR. WILSON: Okay, so they're multi-species permits.

MR. FREEMAN: Yes, that's what they are. And, quite frankly, you need to understand the habitat and that most of the shore is sandy. There are some wrecks. There are some limited areas of hard bottom, but because of the characteristics of the bottom topography, it really doesn't provide very good lobster habitat.

It's, quite frankly, impossible for people to fish only in state waters from a commercial perspective. Some people may have the state and the federal permit and fish in both areas, but it's very limited. It's probably less than a handful of people.

MR. WILSON: I guess what I'm getting at is that it seems on the first brush is that you could be increasing your number of state licensed lobster holders by three times.

MR. FREEMAN: Well, we could increase it 1,000 times, but it probably wouldn't have any impact on the resource. There's just no way. People simply do it because at certain times -- in the northern part of the state there is a rocky reef called "Shrewsbury Rocks" in the northern part of the state.

They could fish at times that area plus federal waters. But from a commercial standpoint, the fishery in state waters is only to supplement what they're doing in federal waters. And, again, as I indicate, there's a handful of people.

If we increase it from five to fifteen, it would be a three-fold increase. The catch isn't going to do anything. I mean, we really don't understand even why they're getting the state permit because it really doesn't make much sense, but there are a few people that do have it.

CHAIRMAN COLVIN: John.

MR. NELSON: Thank you, Mr. Chairman. As much as I appreciate the clarifications that are being provided, I can't really follow them. It's probably just me.

But, I would suggest that the state of New Jersey get together with the PRT and come back to the Board in October with a further clarification which probably represents tables showing what they feel the impact is of their regulations versus what would be the impact if you just abided by Addendum I, and then the rationalization associated with why they would like to go with

whatever they are proposing. So I think that would be helpful if we could have that, Mr. Chair.

CHAIRMAN COLVIN: In effect, I think, John, that's a suggestion that New Jersey develop a proposal for conservation equivalency-based assessment of what they've done as compared to the Addendum I requirements, that's what it sounds like.

Bruce, what would New Jersey's reaction be to putting together essentially a proposal for approval of the permitting system that you have as a conservation equivalent-based approach?

MR. FREEMAN: That would be acceptable, Gordon. Again, we believe firmly that the number of traps being fished will be reduced under this plan.

The dates do create a problem because it's different than what the LCMT had originally approved and the way some of these are categorized, how they impact. But we'd certainly be happy to do that.

CHAIRMAN COLVIN: Let me ask you the harder question now. With respect to the regulations you haven't yet adopted, do you see the possibility of putting off a decision on that until after further Board review of your proposal?

MR. FREEMAN: Well, again, as I indicate, these have no bearing on anything so long as the federal rules are maintained. Now the Board has asked that the federal system be modified to comply with the state.

But until they are, this is kind of a paper exercise. Our expectations, Gordon, under the proposed D, E, and F, again, the recreational pot which is designated by Type D, we believe really doesn't need to be approved by the Board.

What we're proposing and asking for implementation is much more restrictive than what we do have. And under the -- I think it's Section 3.2, so long as a state is more restrictive of its regulation, it does not need approval.

But we'd like to inform you what we're doing. I think the impact would probably be under E and F. And, again, I believe that we're talking a total of probably ten vessels in this entire E and F permitting system if, in fact, that even is reached. So we're talking about a handful of vessels.

CHAIRMAN COLVIN: The other question, I guess, is in terms of putting together a proposal for conservation equivalency and working with the PRT on it, is this something that could be done and concluded -- I guess I'm going to direct this question at both



Bruce and Heather -- in time for a meeting in October?

MR. FREEMAN: I believe it can. I see no reason why it couldn't.

CHAIRMAN COLVIN: Heather.

MS. STIRRATT: In terms of the procedures for evaluating conservation equivalencies, just to clarify, the historical procedure that the Commission has followed is to submit a proposal to the Commission.

That proposal would then be forwarded to the Technical Committee for an evaluation of it. The Technical Committee would then provide the Board with a recommendation for action at the next Board meeting.

CHAIRMAN COLVIN: I do think that there is room here for consultation with the PRT because of the PRT's report on the issue. Then let me ask the Board if there is a desire to approach this consistent with John's recommendation and New Jersey's willingness to submit such a proposal in the same way we did with New York in terms of a letter being sent to New Jersey shortly, expressing the Board's desire to resolve the issue in this fashion and to come to final terms with it in October?

Is there objection to that approach? Seeing none, then that is how we will proceed. Are there any further comments or discussion on the New Jersey issue? Pat.

MR. AUGUSTINE: Thank you, Mr. Chairman. Would that also include clarification of the dates and why they are different than those stated in the plan?

CHAIRMAN COLVIN: Yes. CHAIRMAN COLVIN: Anything further on the New Jersey subject? We have a recommendation for de minimis action for 2001.

ASSEMBLYMAN JOHN GIBSON: That conservation equivalent, conservancy equivalent, what are you trying to accomplish there? What is the theory there?

MS. STIRRATT: That effort would not be increased nor would fishing mortality be increased by a licensing program that would be implemented as an alternative to what is required under Addendum I.

So what you would do is take a look at the number of traps that are fished under the current permitting and licensing requirements in Addendum I for the state of New Jersey and compare that to the number of traps that would be fished under the current licensing program that you have implemented.

That's just one element. You could look at it a number of different ways, but that would be one way to look at effort increases and also probably evaluate fishing mortality increases or decreases as a result of this alternative program.

CHAIRMAN COLVIN: If I can, Assemblyman, you'll find, I think, that in many of the Commission's fishery management programs, we use the term "conservation equivalency" as almost a term of art, and it tends to provide states, individual states, with the flexibility to craft alternative proposals to the specific proposals that are in our management programs so long as the state can show to the satisfaction of the Commission that they achieve equivalent conservation results to that which is specified in the plan. That's what we're talking about.

ASSEMBLYMAN GIBSON: And then you monitor those results?

CHAIRMAN COLVIN: That's the intent. And for the states to annually -- in most cases the states annually report to the Commission on various elements of their management program through the monitoring. That's correct.

There are recommendations for approval of de minimis status for 2001 for the states of Delaware, Maryland, Virginia and North Carolina. Is there a motion to so approve? Seconded by Pat Augustine, moved by George Lapointe. Is there objection to the motion? Without objection, the motion is approved.

Is there anything further on the state compliance reports by the Plan Review Team? Thank you. Yes, Harry.

MR. MEARS: I believe there's also recommendations from the Plan Review Team with regard to establishment of a subcommittee to look at enforceability issues.

CHAIRMAN COLVIN: Thank you. There are three recommendations here. The first is to establish a new subcommittee which would consist of members of the Law Enforcement Committee and the Socio and Economic Subcommittee to evaluate and report recommendations on different gauge sizes. Let me ask the Board, is there objection to the creation of such a subcommittee? If none, it is within -- George.

MR. LAPOINTE: Not an objection but a comment. It strikes me that -- I mean, in a number of other species we have multiple minimum sizes, and we get through that so in the context of the lobster discussion, I'd like them to talk to the Law Enforcement Committee representatives on other species, to put it in that context.

CHAIRMAN COLVIN: Thank you. It's within the Chair's purview to create and approve committees and subcommittees and I will do so.

I'm going to, however, include one or more representatives from the Plan Review Team here, too, so that we're sure that the work of the new subcommittee addresses the issues that were of concern to the Plan Review Team.

The second recommendation relates to trap tag enforcement and recommends that states include, in effect, an enforcement component to their annual report that addresses law enforcement efforts. Is there discussion or comment on this recommendation?  
Bruce.

MR. FREEMAN: The way you characterized that, Gordon, it seemed to indicate it's only states but obviously a large component of this is federal.

CHAIRMAN COLVIN: Oh, yes.

MR. FREEMAN: And I just wanted clarification.

CHAIRMAN COLVIN: Well, that's a good point. We haven't been in a position to require the National Marine Fisheries Service to submit an annual report, much as we might like to do so, but we can certainly ask them to do so and to address enforcement, and I think that that would be appropriate if we proceed with this recommendation.

MR. FREEMAN: And may I just go back to the first, when it says "multiple minimum gauge sizes", is that the coastwide perspective or within a state?

CHAIRMAN COLVIN: I believe that's coastwide, but I can assure you that there are issues within states that are also of concern.

MR. FREEMAN: I'm just confused as to if that applied to specific instances or whether it was coastwide.

CHAIRMAN COLVIN: Bill.

MR. ADLER: Thank you, Mr. Chairman. The trap tag program enforcement is very important because there's an awful lot of disgruntled fishermen out there who actually want the trap tag program enforced, and they're not getting it and, therefore, they're very upset about the whole trap tag scenario, so I think that's a very important one. Thank you.

CHAIRMAN COLVIN: I think if it makes sense with everyone, that I'm going to ask Joe to discuss this with other folks in the Law Enforcement Committee.

I can assure you that in general the issues of reporting on enforcement efforts and statistics by law enforcement generally is

an issue that is of concern to the members of the Law Enforcement Committee; and if you don't believe it, go talk to your own state representative about the striped bass report.

I think it is appropriate to include enforcement effort as an issue in the state annual report. I don't think there's any question about it. I think the question is what is the best way to do it.

And if there's no objection, then what I'd like to do is to ask Joe Fessenden to confer with the Law Enforcement Committee and to come back to us with a recommendation about the best way and recommended way to incorporate a law enforcement component in the states' annual report.

And, Joe, we'll look forward to that report from you the next time you can come back with us after there is a Law Enforcement Committee meeting. And I'll ask the Commission staff to assure that the issue is put on the agenda for the Law Enforcement Committee. Bruce.

MR. FREEMAN: Gordon, I suspect later on we'll be talking about what some of the LCMTs have suggested, and the issue is it talks about multiple minimum gauge sizes but there's also a maximum. I'm assuming that includes both.

CHAIRMAN COLVIN: I think it should, certainly.

MR. FREEMAN: Because I think that may be an issue in the future, and it should be addressed by this group.

CHAIRMAN COLVIN: Fair enough. There is a recommendation to add a Law Enforcement Committee member to the Plan Review Team. Well, without objection, I'll just take that up by discussing it with the Plan Review Team members and the Law Enforcement folks; and if that works out that, will be fine.

If any of the Board members have any comments on it, I don't want to pile too much on Joe. Is that it, Heather, or are there others? Okay, that will conclude, then, the Plan Review Team report, and I'm going to recognize Heather for a discussion of the 2001 FMP review.

MS. STIRRATT: Okay, the 2001 FMP review has been distributed via CD-rom. It's also available in the packets present at the back of the room. The last time this FMP review was updated was 1998.

I can only assume that there were many other things taking priority over the development of the FMP review so at this point in time we have updated it with the latest information relative to management, status of the stocks, status of the fishery, research and monitoring, assessment advice, as well as PRT recommendations.

Since this document was distributed in advance, again, I'm not going to take the time to go through it in detail; however, I would like to call your attention to the PRT recommendations at the end of the document.

They are as follows: The PRT recommends that continued research on egg extrusion cycles and egg per recruit analysis along the entire coast continue.

This recommendation was also offered back in 1998, and the PRT is unsure of the progress that has been made towards addressing this recommendation so we simply mention it again.

The PRT is encouraged or encourages the full implementation of data collection, data collection programs enhancing the ACCSP program. The PRT continues to express concern over the implementation of multiple gauge sizes along the coast.

The PRT recommends that the Lobster Management Board task the Law Enforcement Committee and Socio-Economic Subcommittee to establish a subgroup, which we've just covered and will be done.

The PRT reserves the right to comment further on recommendations pertaining to the improvement of enforcement and implementation of the current FMP as well as other FMP objectives. This is something that we do on a regular basis anyway.

We simply wanted to state it because we may choose to do another evaluation later this year depending on how things go with all of the regulatory changes that we're working through. As you all know, this has been a very busy year for lobster management.

We had Addendum II which was passed back in January or February. We have Amendment 4 coming down the pipe for final action and we also have Addendum III which will be developed, and according to Addendum II pass later this year.

So this simply means that the PRT wants to keep a very good thumb on the issue and make sure that we are doing in fact what we should be doing, which is fully and effectively implementing the regulations that we put on the books. Mr. Chairman, that concludes the FMP review.

CHAIRMAN COLVIN: Questions or comments on the FMP review? Pat.

MR. WHITE: I just have a concern about the direction we seem to be going in trying to -- I don't know what the word is -- consolidate gauge increases and justifying it through social or economic benefits as opposed to biologic, when it is so vastly

different both in socio-economic and biologic from one end of the coast to the other.

And I don't know where that's going to lead us, Gordon, but it's an extremely sensitive issue and I just don't see it resolved. If we're going to go to a common gauge size, then what all the areas are going to do are going to be drastically different on the other side of the spectrum, because it has such great biologic benefit for warmer waters and less for the colder waters, without getting into areas.

CHAIRMAN COLVIN: Any other discussion? Harry.

MR. MEARS: The type of concern with which Pat is referring to and also as it may tie into the recommendation from the PRT has with regard to looking at the impacts of varying gauge increases and the law enforcement and socio-economic issues has extreme relevance to the federal perspective as we move forward and consider proposed rulemaking to respond to the Commission recommendations on those actions approved under Addendum II to the Lobster Plan.

And one clarification in this regard would be that the tasking of the Law Enforcement Committee and the Socio and Economics Subcommittee I personally see as related but separate taskings that address very critical issues.

And just for purposes of clarification, I would ask Heather to perhaps comment in a little more detail on the intended information or type of analysis which might be expected from the Socio-Economic Subcommittee.

From a federal perspective, we've already been very clear in our draft environmental impact statement that spoke to the potential for an increase in the minimum gauge on marketing and commerce both between states and also on the national perspective in terms of trade issues between the United States and Canada.

But I guess what I would like to hear and be perhaps a little more comfortable with in terms of a teamwork approach toward evaluating these impacts, that the tasking to the Socio-Economics Committee would, in fact, have the flexibility to look at these type issues in addition to the enforceability issues.

MS. STIRRATT: To your point directly, Harry, it's a very good question and certainly deserves a very good answer. We have been round-about discussing about the Federal Service's needs to obtain more socio-economic information from the Commission in order to speed up some of the processes that you all have to meet.

The Socio-Economic Subcommittee met most recently about a month

ago. I can't remember the exact date, but we met about a month ago and we discussed in detail the development of a white paper which will be available to the commissioners and a formal report will come before this body in October.

The intent of the white paper is to outline and discuss in detail every management measure that is currently in place relative to lobster and every management measure that we can possibly foresee that would be proposed in the future in terms of the socio and economic impact.

It will also evaluate -- it's very groundbreaking. I'm pretty excited about it. I think that the Socio-Economic Subcommittee is very excited about it. It's a large undertaking. It's not going to happen in just a few weeks or just a few months and so that is why you do not have a product in front of you at this meeting.

They are working on it right now. In fact, we plan to have a meeting in mid-August which would allow the subcommittee to sit down and flesh out the details of that paper. Hopefully that will be available in October.

We are also asking the subcommittee now to formally comment on all proposed documents that come out of this body for public review. So Amendment 4 relative to conservation equivalencies is something that the Socio and Economic Subcommittee will comment on. And when we get to Addendum III, they will also be looking at that document very carefully, as well.

CHAIRMAN COLVIN: Ernie.

MR. BECKWITH: Yes, I've got a question and perhaps either Carl or Heather can help me. I'm looking at the report and for different assessment areas it cites various data for the period '95 and '97, and in the status of the stock section it says that the stock assessment that was finished in 2000 went through '98 data. Just a question, how come that '98 data wasn't made part of this? How come this is '95 and '97 as cited in here?

MR. WILSON: Actually, Mark may be able to help with this in that he was pretty involved with the assessment, but I think it has to do with the assessment year and the fishing year are slightly different and where the clocks ran back and forth. And some '98 data was incorporated, but it may have to do with just how the surveys were conducted. I don't know, Mark, if you can fill that in.

MR. MARK GIBSON: I think the fishing year runs basically from fall survey to fall survey so the last fishing year would have been fall '97. I think the fall '98, which would be mostly in the last survey that we had, was in the fall of 1998.

So the survey years, the landings are structured around the survey. I think the last year of landings that were considered were from the fall of '97 to the fall of '98. Most of that is in 1998. I don't know why we would say '95 to '97.

It may just be an averaging convention because fishing mortality rates that are reported are a three-year average to the last three survey years. It may just be the naming convention because the last year of that average I think would be fall '97 to fall '98.

MR. BECKWITH: Mr. Chairman, if I could follow up. The reason for that question was I'm thinking where are we today. We're in '01. In five months we're going to be in '02, and I'm looking back and the data says '95 to '97.

And it could be perceived by some of us and other people that this data is getting pretty old already. And that leads me to the next question. I know the last assessment was a major, major effort and took a lot of sweat and blood from a lot of people, but any thoughts on when the next assessment is going to be?

CHAIRMAN COLVIN: Not before there's a new chairman. We're going to get into this, I think, a little bit later when we get to the database discussion, Ernie, so maybe we can take it up at that point.

MR. SPENCER: Thank you, Mr. Chairman. I have a question on the formation of the subcommittee and that question is do you think it would be appropriate to have a member of the fishing community or at least of the LCMTs to be part of that?

I think all the LCMTs have an awful lot invested in these plans and I think it's understandable when they're not part of the Socio-Economic Committee or the Technical Committee, but to me this almost seems a step removed in their input as to why a certain gauge increase they feel is necessary or why it's not necessarily may be helpful. And I'm throwing that out, thank you.

CHAIRMAN COLVIN: I've got a counter proposal for you which is that I think at some appropriate time in the subcommittee's work and before they come back to the Board with their report and recommendations, I'd like them to sit down or communicate with the Advisory Panel and kind of get some feedback and input from the advisors at that stage of the game.

MR. SPENCER: And I think they'd appreciate that. The only difference that I see is the Advisory Panel tries to stay on coastwide issues and some of the discussion at this subcommittee, I would think, would focus a lot on specific management areas.



CHAIRMAN COLVIN: I would hope not. I would actually hope that this subcommittee will look at issues as issues and not as area management topics, and let me make that clear. Joe.

COL. JOE FESSENDEN: Well, I'm going to drop a dime on the feds and the Coast Guard. We had a subcommittee on the trap tags and we got a lot of participation from the management from NMFS. Harry Mears, Bob Ross, did a great job participating.

However, we didn't do very well with the Coast Guard Law Enforcement or National Marine Fisheries Service Law Enforcement, and I really think it's important to have them at the table and have somebody there with the responsibility and have some authority there.

In the past it's been a problem. And the states kind of bump up against the feds as far as the enforcement issues so I want to go on the record with that.

CHAIRMAN COLVIN: Joe, what do you think that we can do as a Board to help with that? Do we need some communication with the command there to get their input?

MR. FESSENDEN: Well, I would think that -- I wouldn't want to put you on the spot, Gordon, but I think if the Board chairman was at one of the meetings, at least the initial meeting and kind of set us off and saw how we engaged, it may make a big difference -- or a representative, somebody with some horsepower that's there because I don't seem to be getting too far.

You know, just the state of Maine, and actually I got accused of being biased and all that, and I'm really in kind of a bad spot right now on the whole process. So I'd really want the Coast Guard and NMFS there because they're a major player.

One of the major issues we've got is from 3 miles out to the 200 mile limit. That's one of the major areas we're getting the complaints of lack of enforcement. And I talked to Dave Spencer before the meeting about it. I think it's important to have them at the table and engage in the process.

CHAIRMAN COLVIN: Okay, I'll talk to you some more about this but we've got two different things, also, in the discussion, and one of them is the gauge increase stuff and the other is the trap tag enforcement. I've got to try to separate all this out in my mind.

And, it seems to me that where we left the latter of these was to try to put it to the Law Enforcement Committee. Now, normally the Commission's Law Enforcement Committee does have pretty good representation from the Coast Guard and NMFS at their major meetings.

And we probably missed an opportunity to get after this at the meeting that just happened a couple months ago and won't get another chance until October. But I will make an effort consistent with how these crazy things get scheduled, overlapped, to attend that part of the Law Enforcement Committee meeting, Joe, and I'm going to try to drag George in there with me as the vice-chair of the Board and see if we can't, you know, as you suggest, send a message about the importance of the trap tag stuff and how we'd like to see an evaluation and report back to the Board.

David, I'm going to come back to your question, let me take this under advisement and talk to staff a little bit. But I do want to assure you that we want to look at the issue of different size limits in different places at different times as a generic law enforcement and social and economic analytical issue rather than scoping in on individual situations.

I think if we do the latter there's a lot of pitfalls there. Anything else on the 2001 FMP review? I need a motion to approve the FMP review. Pat Augustine; second, George Lapointe. Is there objection to the motion? Without objection, the review is approved.

The next agenda item is the Technical Committee report. I'm going to recognize Carl and the first issue is the overfishing definition objectives and terms of reference.

MR. WILSON: And I will quickly pass this on to Mark Gibson, the chair of the Modeling Subcommittee in that there's been a number of e-mails back and forth in the last couple of weeks about this. Maybe Mark and I believe Heather has put those new terms of reference or suggested terms of reference up on the --

CHAIRMAN COLVIN: No, this is a follow-on to our last Board meeting where we addressed this issue in some depth and made some preliminary conclusions subject to further review and evaluation. Thank you, Mark.

MR. GIBSON: Well, yes, following up on Gordon's remarks, at the last Board you looked at a strawman set of terms of reference, conditionally approved those and wanted to see some more polishing of those so we have gone to our subcommittee and I've solicited comments.

I have made some draft revisions to those. I tried to simplify them a little bit and make them a little more succinct to resemble the terms of reference that we're accustomed to looking at, remove some of the conditional statements and some of the statements about presentation formats on tabular results and so on, and this is what we have so far. Do you want to go through these one at a

time?

CHAIRMAN COLVIN: Yes, I think that's probably best.

MR. GIBSON: I think you have in your material provided the original strawman terms of reference. They're on page, it looks like page 1, but I'm not sure what it follows. It's immediately after the recommendations of the Plan Review Team in your briefing document that you'll be able to see where the changes were made.

Term of reference 1, provide and recommend the range of overfishing definitions that target harvest rate options for lobster stocks based on FMP goals. Originally that said "based on terms of reference, other policy guidance received from the Lobster Management Board in response to the policy questions listed above."

We thought that was a bit wordy and we could simply reduce this down to what your FMP goals are. Until there's another amendment that somehow changes those, that's what we have to operate on.

Number 2, this is a pretty standard one, develop options that distinguish between overfishing as a rate and overfished low abundant stock conditions as appropriate. That one is intact from the original.

Two, target and threshold reference point options so that targets can be achieved and thresholds can be avoided based on an explicit management strategy or harvest control that uses conventional management measures for lobster such as but not limited to gauge size, v-notching, and effort limitation.

That was simply a simplification over what we had put before you before. We wanted to capture the idea that we wouldn't be limited to some of these standard lobster management tools, but at the same time retain the original intent of the term of reference, so that's what we did with that one.

Number 4, this is simply a clarification, to the extent possible develop options that consider the full range of available data based on objective and measurable quantities and are readily understood by all stakeholders.

That was pretty straightforward. We simply substituted "measurable quantities" for "biological reference points"; the reference points we're trying to develop. They need to be based on some sort of measurable quantities and not on the reference points themselves so we simply make a clarification to that.

Number 5, analyze all options with respect to applicable FMP goals, uncertainty potential, long- and short-term risk, and with respect to practical and logistical considerations. There we

substituted "applicable FMP goals" as opposed to "all FMP goals".

There may be some options which simply don't pertain to all the FMP goals. We felt that applicable FMP goals would be a better statement there, but retained all of the other evaluation criteria, particularly the uncertainty in the long- and short-term risks and the practical and logistical considerations.

All right, we go through the rest of the list before we do this. Go to number 6: Evaluate the potential for applying reference points to lobster management areas that are small and individual stock areas.

What's happened there is that has been extracted out of term of reference five and created a separate term of reference. I felt that term of reference five was a bit jumbled together so we proposed extracting that out as a separate term of reference.

That's an important one. There's been a number of discussions about that, the matching and mismatching of management areas with stock areas, and there have been some initial efforts at assessing stocks in smaller units than what were originally defined in Amendment III, so we felt that should have its own standing as a term of reference.

And then number 7, again, evaluate the current F-10 policy as an overfishing definition and management target for lobster, review the calculation of F-10 values using the last stock assessment. That's essentially the same as the way it was worded before in Item 6.

It's quite an important one given the controversy about the adequacy of F-10 as a management policy and the actual computations that we've gone through to get those values.

So those are the clarifications and updated terms of reference that we have right now as a working group. I'm still awaiting more feedback from members of the subcommittee, and certainly any additional ones or refinements that the Board wants to make or if you want to go back to some of the original ones you had, but that's our first cut at some smoothing and refining of those.

CHAIRMAN COLVIN: Are there questions for Mark? Bill.

MR. ADLER: Thank you, Mr. Chairman. Mark, does this sort of connect with page 8 of the previous report where there were high priority recommendations for improvements in assessment methodology include and then they had a bunch of bullets of things?

It sounds very similar. Is this like the Technical Committee's attempt to address some of these high priority recommendations that came from the PRT?

MR. GIBSON: I can't say there was a conscious effort to review these before we had a crack at these, and some members of the Modeling Subcommittee are members of the Technical Committee so there's some institutional memory going on.

Certainly, development of new biological or enhanced biological reference points is a very important part of all of the technical work that goes on in terms of lobster stock assessment and lobster management.

So, yes, there's a connection between them but there wasn't an explicit -- when we had one page in one hand and the other one in the other hand and tried to bring them together in that way. If it has happened, it's to some degree fortuitous.

CHAIRMAN COLVIN: I would also point out that we have embarked on this effort to flesh out broader terms of reference and ultimately, prospectively, reference points than what we have used through Addendum III some time back, and this work by the Technical Committee and the Modeling Subcommittee are part of that longer-term effort, Bill.

MR. ADLER: All right, thank you, Mr. Chairman, because I did think that those things are very important. I know we got to Section 8 there where they just went to the recommendations of the PRT, but above that was this section, and I think this is very important along with what we've just discussed because of the fact of all of the controversy over all these numbers and stuff, and that's why this whole thing is very, very important to the big picture. Thank you.

CHAIRMAN COLVIN: Thank you. Pat.

MR. WHITE: Just a question, Mark. I'm concerned about initiating a reference point of 20 percent in that first bullet that you had, and I guess I just don't understand how a decline in catch necessarily says it increases our chance of being overfished.

Because, like right now in the state of Maine, if we're roughly at 60 million pounds, if we went down to 48 million pounds, this sets off a trigger of some sort -- I don't know what -- and yet that's still two and a half times what our annual average is over 100 years.

MR. GIBSON: You're talking about the original questions and queries that the Board had at the last meeting, and all I was

doing there is throwing out a strawman as to -- the Board was having difficulty grappling with how uncertainty would be assessed and this leads back into my discussions and the terms of reference.

We have not carried that forward as a specific item in this terms of reference. We have retained in there the evaluation of uncertainty as applicable.

What I was trying to get across there is some notion of how Board members might state uncertainty so that technical people who have to follow up on that work would have something to gain some traction on .

There needs to be some statement as to how much risk a management body is willing to take, and I just threw that out as a strawman. It certainly could have further discussion; and if there isn't further discussion on it, the technical people are going to have to deal with that on their own.

There has to be some appreciation we can gain from the Management Board as to how much risk you are willing to take in terms of a large decline, say, in stock abundance, that adversely affects fishery performance.

So I simply threw that out as a starting point that we would accept a risk of roughly 20 percent over a 10-year planning horizon that there could be a stock collapse. Now, some people would say, "Well, we don't want to accept any risk".

Well, that's not realistic because not accepting any risk would require fairly draconian measures to be imposed in the fishery. So the other part of that I said was that we wouldn't want to -- if we have to move the fishery back from an overfishing situation right now, there's going to have to be some sort of cutbacks.

Well, the Management Board wouldn't accept draconian cutbacks that would get us to this 99 percent sure that there would be no stock collapse so there had to be some kind of bounds in there as to how much hurt you would be willing to accept versus how much risk you are willing to take.

I think that certainly needs some more discussion on the part of the Board and/or the technical people. I think they will understand where we're trying to get to in terms of giving them better advice, but the comfort level that the Board has with either sort of direction, how much short-term pain you want to inflict versus how much risk you want to incur in not doing that is an important discussion point.

For that reason we do not have that one brought forward as a

specific strategy, long-term management strategy, but certainly we have the uncertainty appreciated in terms of reference five, you know, in long-term and short-term risks.

CHAIRMAN COLVIN: Thank you. Are there any other questions for Mark? Is the Board comfortable with -- I don't know that we have to act on this, per se, Heather, but understand and recognize that in the absence of Board direction to the contrary, these are the terms of reference that the Technical Committee and the Modeling Subcommittee will continue to employ as they move forward with their further development of reference points and modeling activities in support of where we go in the future of our management program.

And without any further comments from the Board, it seems that we are in fact comfortable with the direction we're headed in, and I want to thank Carl and Mark for their report.

The next issue we will now begin to address is the review of the LCMT proposals. We're actually going to do this just a little bit differently than as suggested by the agenda. Heather is going to make a presentation to the Board with respect to each of the LCMT proposals that are before us, and we'll entertain questions about the substance of the proposals, and at that point we'll do a time check and see where we are.

If there is time before an appropriate lunch break, we will then hear the Technical Committee recommendations and evaluation of each of the LCMT proposals, at which point we may then break for lunch subject to the next Board item, which will be action with respect to each of them, each of the area management proposals.

Everybody understand that now that I've thoroughly muddled it up? Sorry about that. But at any rate, let me recognize Heather who will make a basic presentation on the components and content of the area management proposals.

MS. STIRRATT: Okay, we're going to be going through the Lobster Conservation Management Team proposals one by one. This is going to be fairly brief. There are about 20 slides so I hope I don't bore you to death.

I do think it is important, however, to note the elements of each proposal so that you are aware of what we're discussing later on in terms of inclusion in Addendum III or a draft to be developed later this year.

In terms of the Area 1 proposal, there are two primary proposal elements. The first element that is being proposed by Area 1 is a zero tolerance provision which would change the definition of v-notching specific for the Area 1 observance.

There is also a provision that will be speaking to a mandatory v-notching whereby all egg-bearing female lobsters would need to be v-notched.

The specifics of these proposals are as follows: in terms of the zero tolerance definition, Area 1 proposes that a v-notched female lobster means any female lobster bearing a "v"-shaped notch of any size in the flipper next to the right of the center flipper as viewed from the rear of the female lobster.

Any female which is mutilated in any manner which could hide, obscure or obliterate such a mark, the flipper right of the center will be examined when the underside of the lobster is down and its tail is toward the person making the determination.

The mandatory v-notch law will, again, require all fishermen to v-notch all egg-bearing lobsters found within or harvested within Area 1.

In terms of the Area 2 proposals, there are no new elements for the Area 2 proposal at this time. The reason why that is is because the egg production rebuilding schedule that they were required to meet, they currently meet with all of the provisions that were put in place under Addendum II, so you won't find that there are any new provisions proposed at this time.

I will note that Area 2 is currently working on a very long-term project of looking at a way to implement effort controls. They have held a series of workshops; and while that is not proposed at this time, it may be coming down the pipe shortly.

The Area 3 proposal contains three primary elements, the first of which is an overlap area that would be between Areas 3 and 5. The second element is a "choose-and-use" provision.

This is where Area 3 designation would be required on federal permits -- mandatory designation, that is -- and a mandatory v-notch provision whereby, again, all egg-bearing female lobsters located within a specific boundary area would have to be v-notched.

The specifics of the Area 3 program elements are as follows: for the overlap area, I would like to note that this overlap area has been agreed to by both LCMT 3 as well as LCMT 5. The overlap area is comprised of a five-mile overlap into Area 3 and extending the full length of Area 5.

The choose-and-use provision requires federal permit holders to permanently designate Area 3. Permit holders, if they were to go through this, would have a one-time opportunity by which to drop the Area 3 designation; and when the Area 3 permit is either sold



or transferred, the designation could be reconsidered for the new owner.

The mandatory v-notching provision requires that mandatory v-notching within the Gulf of Maine above the 42 degree, 30 minute latitude line occur. Now, given that Area 1 is also proposing this provision, both Area 3 and Area 1 are in agreement on this proposed element.

For Area 4 we have three primary elements to consider. That would be a minimum gauge size increase, escape vent size increase and to establish a maximum gauge size, as well.

The specifics on these elements are that a minimum gauge size increase would occur on either one or two different schedules, and these schedules would, of course, depend upon the regulatory schedule that the area and/or the states that comprise that area would need to meet.

Schedule 1 assumes a 1/32 of an inch increase in 2001 and does so through 2004. The difference in Schedule 2 is that that first 1/32 of an inch increase would not occur in 2001, but instead you would have double that occur in 2002. So they are equivalent, it's just a timing issue.

The escape vent size increase, Area 4 is proposing an increase to size of two inches rectangular or 2-1/2 circular vent in 2003. And for any of you who may be questioning whether that's consistent with what the other areas proposed in Addendum II, it is.

The establishment of a maximum gauge size, Area 4 has proposed that in 2002 or sooner, if possible, they would like to establish a prohibition on possession of female lobsters with a carapace length larger than 5-1/4 inch.

There are two notes that you must take some consideration of. The first one is that the maximum size of five inch on females may be considered if necessary to meet egg production goals following the next stock assessment. I think that's pretty profound in terms of what they've already started to discuss.

In addition, Area 4 notes that if maximum gauge sizes are not in place in the adjacent areas, then Area 4 fishermen may elect to v-notch female lobsters above the maximum size.

Elements of the Area 5 proposal include a revision to their schedule of minimum gauge size increases. Area 5, as we discussed earlier, is also proposing some permit category and/or licensing regulations.

They are proposing the establishment of a maximum gauge size and an overlap area between Areas 3 and 5. The specifics include, again, a dual schedule type approach depending upon the regulatory schedules of the states that are involved.

Again, Schedule 1 implements a 1/32 of an inch increase in 2001. Schedule 2 doubles that increase but doesn't start until 2002. Again, the permitting and category issue that was raised earlier, I am not about to go back into the details there.

I think we're all aware of some of the issues that have to be resolved and how we've agreed to proceed, so what I have noted here is that this element in this proposal will have to pend any further action depending on what comes out of the conservation equivalency approach and also compliance discussions.

And, finally, the establishment of maximum gauge sizes. Area 5 is proposing in 2004 the prohibition on possession of female lobsters with carapace lengths larger than 5-1/2, and that is a little bit different than what you saw for the previous area proposal.

They were proposing a maximum gauge of 5-1/4 so this is a little bit different in terms of adjacent areas and what they are doing. But it does have an "if necessary" provision attached to this maximum gauge size. If it's necessary to meet the F-10, then they will implement that.

It does also have a note with it saying that if maximum gauge sizes are not in place in the adjacent management areas, then Area 5 fishermen may v-notch female lobsters above the maximum size.

The overlap area between Areas 3 and 5. Area 5 is proposing an overlap area. Now this gets a little bit complicated. The first part of the overlap area that they are proposing is that vessels qualifying to fish Area 5 and have a history of fishing in Area 3 will not be subject to the 25,000 pound landing qualification for Area 3 when fishing south of the 39 degree, 30 minute latitude line. Now this is the first element of the overlap.

You'll note that in the Area 3 proposal this was not included, and so I am unsure that Area 3 has agreed to this proposed action. And when we get to a discussion later on about what action should be taken in regard to the Area 5 proposal, it's my suggestion that we at least allow some time for some discussion from the Area 3 members in the room as to whether or not this has been agreed upon or not.

And then, again, the five-mile overlap into Area 3 which, as I mentioned under the Area 3 proposal, that has been agreed to by Area 3, and this is an overlap area where the qualifying criteria will not apply.

Area 6 contains a number of different elements, the first of which is to implement a trap tag buy-back program. This doesn't necessarily have to go into Addendum III. I simply list it here because it is important to know that they are doing that.

In terms of other things, minimum gauge size increase, escape vent size increase, possible establishment of maximum gauge sizes, you're going to see there are a number of different paths or schedules that this area is proposing as well and that comes under Path 1.

And they are also discussing possible mandatory v-notching provisions as well. The specifics on the Area 6 program are that in 2001 and 2002 Area 6 is planning on implementing a trap tag buy-back program as a result of the mass mortalities that have been experienced in the Long Island Sound area, and this is basically to lessen the economic burden on the fishermen.

Minimum gauge size increases. In 2004 through 2005 there will be a 1/32 of an inch increase on an annual basis. After 2005 the LCMTs will have to choose between one of two paths, or at least that's what they're proposing.

Path 1 would begin in 2007 whereby a 1/32 of an inch increase in minimum size would occur and/or an increase in escape vent size and/or v-notch provision and/or establish a maximum gauge size. In 2008, the same that's listed under 2007 would occur.

And, again, this is one of two different paths. The second path that is available would occur in 2006 whereby the area would just increase their escape vent size.

And the final area that we have to take a look at is the Outer Cape Cod area. They have proposed two primary elements, the first of which is a revision to their schedule for minimum gauge size increases and the second is a trap reduction schedule.

The specifics of the program include that in 2001 through 2004 we would see an increase in the minimum gauge size of 1/32 of an inch annually. And in 2005 through 2008 -- this is the difference from what was originally proposed or what has been implemented in Addendum II -- they are now proposing an increase of 1/32 of an inch annually in the latter half of that schedule.

And this, again, is if necessary. If you were to look back to Addendum II, you would only see that the Outer Cape Cod had proposed increases for 2001 through 2004 so they've just added some on.

The trap reduction schedule suggests that between 2002 and 2008,

the area would reduce the total number of traps by 20 percent. It's notable here that the LCMT stresses that this strategy is contingent upon the adoption of an effective management strategy by LCMT 1.

And, finally, we'll hold off on that one. So, Mr. Chairman, that covers the review.

CHAIRMAN COLVIN: Thanks, Heather. Let me ask the Board first if you have questions of Heather on any of the proposals? In fact, let me try it this way. Let's start at the top and work down. Let's start with Area 1. This isn't working. Overall questions on the overall performance, okay. Bruce.

MR. FREEMAN: My question to Heather would be there has been various proposals for gauge increases, minimum size increases. Is there a table showing the timelines because there seems -- it's hard to keep track. I know 4 and 5 were the same.

I'm not sure how they phase in with the other areas. It would be very helpful to understand it. But there is no -- you don't have such a thing?

MS. STIRRATT: I do not have such a thing with me today. One thing that I will direct you to is that in Addendum II there is a table for Areas 2, 3, 4, 5 and the Outer Cape.

The only two that wouldn't be shown in there would be Area 6 and Area 1; and since we're not dealing with a minimum gauge size increase, you don't need to worry about Area 1.

For Area 6, if you'd like me to, I could kind of go through that while Carl is covering his report and give you an estimate of how that works or jives with the other areas.

MR. FREEMAN: Well, my only concern was how close they are together. Otherwise, there will be slight differences in different areas and for just want of clarification it would just help understand the phasing in of the gauge size. But, if you don't have it, you don't have it. We'll just have to go through.

I do have a question relative to Area 1, Gordon. They had proposals of zero tolerance, of v-notching, mandatory v-notching. If that doesn't result in meeting the target 10 percent egg production, what will they do?

CHAIRMAN COLVIN: I don't know that that's a question that we can address at this point in time, but I do think when we get to the evaluation, perhaps that would be an appropriate time to address that.

What I'm looking for right now is just for questions so that Board members are clear as to the content of the LCMT proposals. The next thing we will hear is the Technical Committee's evaluation of the proposals. Bill.

MR. ADLER: Regarding Area 3's choose and use, I didn't see what was projected if you don't use it. If you choose it, I can see them choosing it, let's say qualifying for it, and did they have some idea of how do they -- what do they do, take it away if it's not used? It wasn't spelled out.

MS. STIRRATT: Bill, I'm going to defer this question to either David Spencer or Bonnie Spinazzola, either one.

CHAIRMAN COLVIN: Bonnie.

MS. BONNIE SPINAZZOLA: Bill, what it is is if someone qualifies for Area 3 -- and our concern about this or where we came to put this in was because we're concerned about the feds putting in very loose qualification criteria and therefore we would have a great deal of effort than planned for in non-historical participants.

Therefore, because the federal plan now or the Amendment III now allows for annual renewal of these permits, what we felt would help with latent permits, effort fluctuation, things such as that, we determined that if we could have area participants that qualified for Area 3 have to keep their Area 3 designation rather than switch back and forth whenever they chose, we would be able to realize and understand the effort that was actually in Area 3 rather than someone who could get in under the federal qualifying criteria and actually never use their permit but still be able to hold on to it.

And it actually takes away from one of the reasons we wanted historic participation in the first place was to deal with latent permits, to deal with effort fluctuation. And the other thing, too, is that it's a way to get around the most restrictive ruling.

If you can change from year to year, then you don't have to deal with perhaps if Area 3 has a more restrictive rule or Area 2 has a more restrictive rule and you changed periodically, you would get around that rule of the most restrictive.

So what we said was if you were a traditional Area 3 fisherman and you fished offshore, you wouldn't mind having a permanent designation. For these people who get in who really are not Area 3 users, they would either have to keep that designation and realize that they have to fish under perhaps more restrictive rules or they would realize that it wasn't really worth keeping that designation that they're really not even using.

So what you can do with that choose-and-use provision is if you

qualify and you choose it, then basically you would be assumed to be using it. If you have the designation and you choose not to want it, you can then leave the Area 3 fishery and say, look, I really don't want it.

That boat will keep its history. When the boat is sold or transferred or whatever, the new user of that boat will still have the history, but that fisherman at that time will have said I don't want the designation anymore, I'm going to give it up because it's really ruining my fishery in Area 2 or Area 4, or wherever it might be.

MR. ADLER: Bonnie, I understand the choose part, everything, the most restrictive, I understand all that. I have no problem with that. And the idea is if they qualify for Area 3 and they put 1 and 3, which they can do --

MS. SPINAZZOLA: Yes.

MR. ADLER: -- and they have to go by the most restrictive, true.

MS. SPINAZZOLA: Right.

MR. ADLER: No problem. But if there is somebody going to come knocking on their door at the end of that year or the year after, if their reporting show that they didn't use, it's the use part that gets me. Are they going to come and say, guess what, you just lost it?

MS. SPINAZZOLA: They do not have to use it whatsoever. They can choose it. What we're saying is if they don't -- they cannot take it off their license. In other words, every year you can redesignate, you can say, "I don't want Area 3 this year, but I'll come back next year."

All we're saying is if you designate Area 3, you need to keep that on your permit until you choose not to designate it any longer. But, no, you do not have to use it. You can keep the designation even if you don't use it.

MR. ADLER: Okay, that's what I was trying -- that's all I was after.

MS. SPINAZZOLA: But we're trying to deter people from doing that.

CHAIRMAN COLVIN: Thank you, Bonnie. John.

ASSEMBLYMAN GIBSON: Yes, I saw some of us taking notes. Are there copies of this paper, copies that we could have, or should we have already had that?

CHAIRMAN COLVIN: We'll get it for you. I think the summary is in the briefing materials, and the next presentation that will be fairly extensive is also there as well.

ASSEMBLYMAN GIBSON: The other question, these 1/32's sounds like it's pretty tiny of a change. Is that actually something that's enforceable or is that just a rate, and ultimately it will be something that can be enforced in three or four years? Are we really --

CHAIRMAN COLVIN: Joe, do you want to address the issue of the small incremental size gauge increases and a history of enforceability.

COL. FESSENDEN: I think we need to bring that up in that Subcommittee and discuss the multiple size increases. We've had a number of those in the past and they've been successful, but I think the enforceability of these proposals need to be looked at by the subcommittee. That would be my recommendation.

ASSEMBLYMAN GIBSON: But we actually have a regulation that sizes it at 1/32? I mean, that's actually on the book?

COL. FESSENDEN: Right. Yes, we've done it before.

ASSEMBLYMAN GIBSON: All we do is question whether or not it is in fact enforceable when it gets that fine, is that what you're saying?

COL. FESSENDEN: Right. Well, the concern is when you have multiple minimum sizes within one jurisdiction, that's one of the components of some of these proposals.

ASSEMBLYMAN GIBSON: Would it be better to skip a year and go to a sixteenth or skip four years and go to an eighth or something like that?

COL. FESSENDEN: I don't believe it. I think the incremental size increases will work. The issue is having multiple minimum sizes within one jurisdiction. For example, the state of Massachusetts might be looking at three different minimum sizes. That would be difficult for law enforcement.

CHAIRMAN COLVIN: John Connell.

MR. JOHN CONNELL: Heather, can you explain the reasoning behind the requests for the overlap, Area 3-5 overlap, and also give us an idea of, if anything, what enforcement issues might develop as a result?

MS. STIRRATT: Bonnie may be able to speak to this a little better

because, again, I do not attend all of the LCMT discussions. But, from the proposal that I have in front of me, it is described that an Area 3-5 overlap was agreed upon at the most recent Area 5 LCMT meeting to address Area 5 participant concerns relative to the Area 3 25,000 pound qualification criteria.

Clearly, if you had an overlap area, that would not apply so they would be able to fish in that overlap area; whereas, historically the boundary for Area 3 would have been hard and fast and they would not have been able to fish in the overlap area. So this is just an attempt to meet those concerns, and I'm sure Bonnie can speak to it a little bit better.

MS. SPINAZZOLA: When we went to the NMFS Addendum II hearing quite a while ago -- I think it was a year ago fall, maybe? Oh, it was November. Okay, it seemed like a lot longer -- we were informed at that time, which it was down in Southern New Jersey, we were informed at that time that members or people in Area 5 had a problem meeting the Area 3 25,000 pound criteria.

We were told also that basically what happens is that a lot of the trawls traverse the Area 5-3 line and that they needed to come up with something and we said, "Well, we'll be happy to talk to you, let's get our teams together."

And they said, "Well, we don't have a team." So we waited and waited and finally got together with the newly formed Area 5 team.

Prior to them actually forming, we met with a few people who were going to be on that team and they said, "What would help us out is from the northern end of Area 5 down about halfway, if you gave us three miles, that would work out really well."

When there was an Area 5 meeting a couple of us -- David Spencer, who is the head of the LCMT, came down and I went down and then they said to us, "Well, what we really need or what would really help us out a lot is a five-mile overlap, actually the whole boundary of Area 5."

And we said okay to that, too. And we felt that that was certainly an understandable situation. The thing that we do not agree with at this time is that it was brought up that there are some Area 5 fishermen that fish out into the canyons.

We were asked to either create an overlap or for the exemption or whatever that they were talking about in the Area 5 plan. At that time, we said that that was something we could not agree to because it would increase, probably double, the effort possibly out in Area 3, and that we would completely lose the integrity of the Area 3 plan.

However, we did agree to keep working with New Jersey, but that



was not something that Area 3 and Area 5 agreed with. It was something that Area 3 would like -- I guess Area 5 would like to see but Area 3 did not agree to.

CHAIRMAN COLVIN: Pat Augustine.

MR. AUGUSTINE: Thank you, Mr. Chairman. To that point, Bonnie, I was going to ask if there is not full agreement between LCMT 3 and LCMT 5 in that particular issue, when we go through to approving each one of the LCMT plans and we get to 3, will there be further discussion on this when Area 5 comes up?

And if so and we've already agreed to LCMT 3, will there be any further discussion about this issue or is it a dead issue? Is it just open for discussion for discussion purposes now?

CHAIRMAN COLVIN: I think the Board will have to address the difference between the recommendations in the Area 3 and Area 5 reports, and we'll have to address it the first time it comes up. Bruce, did I see your hand?

MR. FREEMAN: Yes, I was just simply going to add to Bonnie's report. As indicated, the five-mile overlap, particularly in the southern area of the 3-5 boundary, solved the problem of certainly the fishermen that fished out of Maryland and Virginia, but there were several boats out of New Jersey historically had fished further north and that's the area of dispute.

Our concern is we know of about three or four vessels that have done it. We'd like to be able to include them and the issue is how do we do it without opening this up to many more boats which historically have not fished.

So it's just an issue of trying to find resolution to historical participants, all of which are represented by our new member from the legislature, so it's a major issue we have to find a solution to.

CHAIRMAN COLVIN: Bruce, am I right in understanding, from what Bonnie said and from what you just said, that this unresolved issue involves geographic areas that are considerably offshore of the five-mile overlap?

MR. FREEMAN: Yes.

CHAIRMAN COLVIN: It's really not an Area 5 issue at all; it's an Area 3 issue.

MR. FREEMAN: Yes.

CHAIRMAN COLVIN: Thank you. That also gets back to Pat's

question. I think that --

MR. FREEMAN: Yes, I mean the issue here, Gordon --

CHAIRMAN COLVIN: -- the Area 3 discussion is the appropriate place to take this up. Any other questions with respect to clarifying the LCMT recommendations at this point? Gil.

MR. GIL POPE: Yes, as far as the Area 6, there was mention of a buy-back, and I'm not real sure on that. Could you go over exactly what that means? And I think it was also mentioned for Area 5 as well.

CHAIRMAN COLVIN: No, it's Area 6 only.

MR. POPE: Just six only? Buy-back provision from to whom?

CHAIRMAN COLVIN: Ernie, do you want to take that up or I can?

MR. BECKWITH: I can cover my half of it; you should cover your half.

CHAIRMAN COLVIN: Or we can get Harry to do it all for us.

MR. BECKWITH: Yes, that's a good idea since he's the one that's handing out checks. Do you want to do it, Harry, or do you want us to?

MR. MEARS: No, I think you should.

MR. BECKWITH: Okay, as a result of the die-off of lobsters in Long Island Sound, the Secretary of Commerce declared the fishery a disaster and he and Congress then appropriated \$13.9 million to Long Island Sound for a number of things.

About half of that was to go into a research program and another part to go into direct assistance to fishermen. And there are at least in our -- and both Connecticut and New York got together jointly and also separately and devised programs to provide assistance to the fishermen.

Now our program, the assistance to the fishermen, which is administered by another agency not our agency, but we're working with them, has got two parts to it. One, it's direct payments based on direct payments based on difference in the landings between '98 and '99 when the die-off occurred.

And a second part of the assistance program is a trap allocation buy-back system which serves two purposes: one, it's another mechanism for getting direct assistance to fishermen, dollars, that is; and also it's a way for us to reduce effort in the

fishery.

Now in our program \$1 million has been allocated for the trap tag buy-back program. Where we are with it, it's being jointly administered by us and the Department of Economic and Community Development.

They actually administer the program but they've given us the money and we're going to do all the work. What that involves is fishermen will be able to sell back all or a portion of their trap allocations.

We have a history-based system and for us it's a two-tiered program. We've determined that there are latent traps and active traps, as you may or may not recall. In our history-based system, a fishermen from Connecticut can get his trap allocation two ways; one, the higher of either what we calculate from his logbooks or what he put on his license application during the qualification period which is '95 to '98.

We deem anything in excess of what we calculated from his logbook as a latent trap and anything we calculate from his logbook as an active trap. The reason I explain that is because the trap tag buy-back program has two dollar amounts.

We will pay \$4 apiece for each latent trap allocation, and \$12 apiece for each active. Our regulations have passed. They're in place. We're currently working on an MOU with the Department of Economic and Community Development to transfer the \$1 million to us plus another \$100,000 for us to administer that.

Hopefully, we'll have that approved, maybe by the time I get back from here. And we will start the program, I would think, within the next four weeks and meet with fishermen and send notices out and hopefully we'll start buying back trap allocations very shortly.

MR. POPE: Okay, I have a follow up on that. Trap allocation buy-back, will that be in addition to the trap reduction schedule?

CHAIRMAN COLVIN: There is no trap reduction schedule in Area 6.

MR. POPE: There is none, okay.

MR. BECKWITH: It's a history-based system.

MR. POPE: And this is permanently removed?

MR. BECKWITH: Yes.

CHAIRMAN COLVIN: Gil, when the Area 6 team met, one of the

difficulties that they had, as the whole industry does in the Long Island Sound region, is that on the one hand they're looking at a management program that's based on a stock assessment, as was discussed earlier, that covers an entire stock region of which Long Island is a small part and which precedes the die-off and the enormous changes in the fishery that that die-off precipitated.

And there's a certain disconnect in terms of industry credibility with respect to all this in Long Island Sound. If you can imagine, half the Sound has no lobsters in it anymore, and yet we're operating a management program that assumes that the clock is back in 1997.

So one of the things the LCMT pointed out right at the outset is that, listen, there has clearly been a reduction in fishing effort in Long Island Sound, just as there has been a reduction in biomass.

And there's going to be a further reduction of a permanent nature as a result of some as yet unknown participation in the trap tag buy-back system, and as a result of lost licenses in terms of -- and I can assure you there's been a significant down-turn in license sales, and that's a permanent reduction because I think both states are right now operating a renew-it or lose-it moratorium.

So, what they've suggested is let's recognize in our plan that an effort reduction is happening in Long Island Sound. It's happening voluntarily and involuntarily. And let's take note of that fact and at some point in the future hopefully the situation will stabilize so that we can evaluate where we have ended up in terms of changes in effort, permanent reductions in effort, and as well as hopefully get some handle on what's happened to the lobster population, and that it has stabilized and we have some sense of where we're headed there.

And I thought, frankly, that was -- and then they went on to address meeting the egg production rebuilding schedule, which I thought was a very reasonable approach on their part in light of the harsh realities that they faced.

MR. POPE: So it will be measurable but just not now?

CHAIRMAN COLVIN: Correct.

MR. POPE: You just don't know yet.

CHAIRMAN COLVIN: Yes, because we don't know that we're measuring it against in terms of the population right now, frankly.

MR. BECKWITH: Gordon, I didn't cover your portion of it. How

many dollars is New York going to allocate to the trap tag buy-out?

CHAIRMAN COLVIN: I think it's also a million, maximum, and it's a similar but not identical approach in New York. We are not offering two different prices, for example, in terms of latent and active but there's a different kind of a rate schedule depending on how many traps you actually sell back or trap tags you sell back.

It's fairly complicated and we can certainly make it available to the Board if there's an interest, the details of it. That program is just starting. In fact I was on the phone today -- we're not administering it in New York.

It's being administered entirely by our Economic Development folks, and I was on the phone with them this morning and they are beginning to go through the process of evaluating the trap tag buy-backs. They can't yet tell me how many, how much interest there is in the program but we'll know within a month. Any other questions? Yes, Carl.

MR. WILSON: This is a question on the Area 3 plan. It's for Bonnie and it's a little bit of a follow up on Bill's. Do you know the number of active participants in Area 3, that number, and then the number of potential future participants as far as fishermen who claim Area 1-3 or area 2-3 or 4-3?

MS. SPINAZZOLA: We don't have exact numbers. When we came up with our plan originally, we looked at about -- we thought about 65 or so participants. NMFS has a larger number and actually we really have no idea who will qualify into Area 3 because we don't know what NMFS qualification is, the criteria at this time.

We've set it but we don't know what the federal plan will actually come out as. We do know that the number of people -- and Bob or Harry can probably speak to this better than we can, but the number of people that opted to designate Area 3 this past year, the first year you had to designate a number, was something like seven hundred and something, and there are no where near that number of participants in Area 3.

So I don't know if I'm answering your question but I really don't have any concrete numbers for you. I guess I don't know where you're going with this.

MR. WILSON: Well, the question is that the trap reduction is a big component of the plan.

MS. SPINAZZOLA: Correct. Well, it's part of the plan, I don't know that it's the biggest component, but it is a part of the plan.

MR. WILSON: But if you have the ability to expand the number of traps even with the trap reduction program, you know, on an individual basis but as an industry as a whole in Area 3.

MS. SPINAZZOLA: That is something that we're trying to try and keep down. We don't want to expand the number of traps, certainly, and that's why we're trying to keep effort to a minimum.

We're trying to keep it to historic participants and that's why we're concerned with whatever the criteria NMFS may come out with if it allows non-traditional people to be able to qualify into Area 3 or non-historic participants, then it will certainly increase effort, which is even what Bruce was talking about.

That's our concern for taking away criteria below a certain line. So, yes, we are certainly trying to keep our traps at historical levels because our plan reduces. It does not allow any increase in effort or traps.

CHAIRMAN COLVIN: Harry, did you have something for this?

MR. MEARS: Just to add on to Bonnie's remarks, these type data are very difficult, if not impossible, to get a concrete grasp upon in the absence of mandatory reporting for federal permit holders.

We did various runs on various assumptions in our draft supplemental environmental impact statement, which was published last November, and our figures, based on certain assumptions, once again indicate that there may be as few as 53 or as many as 109 federal permit holders who may ultimately qualify on the basis of the suggested qualification criteria.

Now this compares to the current case where of about 3,400 federal lobster permit holders, about just slightly over 800 have designated Area 3, but at the current time there's nothing to stop anyone from putting all seven areas on their permit.

I mean, the only caveat here would be if you put more than one area, you have to abide by the more restrictive of management measures in any of those areas.

So once again on the basis of our assumptions -- and, of course there's no way to confirm this until you're actually in the process -- even though approximately 800 indicate that they'd like to at least be allowed the authority if they so decide to fish in Area 3, if we in fact go forward with historical qualification, our best available information indicates that that number will decrease to somewhere between 53 and 109.

CHAIRMAN COLVIN: Thank you, Harry. Any other questions? Board, at this point we have a choice. It's about a quarter after twelve. Carl lets me know that it's going to take maybe about 20 minutes or so for his presentation of the LCMT evaluation and recommendations.

We can either break for lunch now and come back and hear those or we can hear them and take a lunch break at that point and come back for our Board action. The chairman's inclination is to go to the latter of those two alternatives, but let me ask whether there are a number of Board members who would prefer to break right now instead.

I see three or four hands saying now. How many would prefer to hear the evaluation first. One. It ain't a democracy but we'll go along with the majority anyway. Let's take a break now, then. Let's try to be back promptly at 1:00.

(Whereupon, the meeting was recessed at 12:20 o'clock p.m., July 17, 2001.)

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#### TUESDAY AFTERNOON SESSION

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The American Lobster Management Board of the Atlantic States Marine Fisheries Commission convened in the Presidential Room of the Quality Hotel and Conference Center, Arlington, Virginia, Tuesday afternoon, July 17, 2001, and was called to order at 1:20 o'clock p.m. by Chairman Gordon Colvin.

CHAIRMAN COLVIN: We need to begin now, please. At this point I'm going to turn the meeting over to Technical Committee Chairman Carl Wilson. I'm going to ask Carl to make a presentation that summarizes the findings and recommendations of our Technical Committee on the LCMT proposals.

I want to emphasize that the Technical Committee did quite a bit of work here, and I've asked Carl to summarize briefly the most important conclusions and recommendations.

I do commend to the attention to the Board the details of the Technical Committee report in your briefing book. I would not want to short change the great deal of work that they did. So with that, Carl, would you go ahead, and then I have a few more things to say at the end of your presentation.

MR. WILSON: Thank you, Gordon. Just to kind of give you an outline of what I'll talk about, first at the beginning of the report, there's eight blanket statements that we put forward as kind of conditions or the thought process of what we used when we were making our determination here.

Then we'll talk about each area's evaluation as far as egg production. We did individually look at each management objective, FMP goal. I will not talk about each goal today, though.

So the really three things I'll be talking about is the egg production time schedule -- yea or nay -- and then also the LCMT plan as a whole, in that some areas did try to address the different FMP goals, and then any recommendations for action by the Board and by the LCMT.

And, if I go too quickly please, you know, back me up; or, if I'm going too slow, speed me up. Okay, so I just want to go through the blanket statements just to get a couple rules on the table, I guess.

Every effort should be taken to implement gauge and corresponding vent increases coastwide to maximize the benefits and minimize industry and market conflicts. I think we've had some of those discussions already today. That is a concern by the Technical Committee as well.

Just bulletizing these, one, the LCMT proposals were assessed as independent areas without considering any effects that one area might spill over into another area. We also had to assess them on the stock assessment areas and make judgement calls sometimes of what stock assessment areas different management areas fell into.

If there are overlaps, which I'm sure there are, then the projected egg production values of the lobster stock may be diminished. We also have a concern that some of the plans were competing in nature in that one area is going directly against, maybe, what another area might be doing, and that's going to have some problems as far as developing a more cohesive strategy.

Number three, all the following projected egg production values include the following assumptions: that catch rates have not changed since the last assessment years '96 to '98; catch rates will remain the same except for Area 3 where capture rates are expected to decrease due to the proposed trap reductions; model input parameters currently approved by the Technical Committee will remain unchanged in all three stock assessment areas during the next assessment.

Fourth, all assessments assume that there will be no significant shift in participation among areas. Five, the predicted egg



production values represent an equilibrium state. The variable assessment tools estimate that most management measures could take 10 to 20 years to reach equilibrium assuming constant recruitment and continuation of the management plans proposed or evaluated.

I think this is very significant in that in the assumption of an equilibrium, when you propose a management action, it's going to bump the population and it may not bump back up to that equilibrium state in an estimated 10 to 20 years.

All management proposals should be evaluated by the Law Enforcement Committee to provide input on the current enforceability of such actions.

LCMTs should consider additional and/or emergency management measures to be implemented in the case that additional measures are needed in the future.

The final one, uniform and mandatory reporting of catch and effort data is essential. A number of the plans did not include mandatory reporting, which is really held by the Technical Committee as an important requirement.

To get right into Area 1, we'll talk about the egg production. I'm going to skip over the individual evaluations of the FMP objectives. We'll then talk about the overall LCMT management proposal and then recommendations for action. And this will try to be the same format for all areas.

So the bottom line with the egg production year by year, the Technical Committee voted four-two-two that the egg production goals will be met through 2007. We then voted one-six-one that Area 1 is not projected to meet 10 percent egg production required under Addendum II by the year 2008.

I do want to read the opposing and abstentions and favorable votes. Those opposed voted no on the basis that a swift jump to 100 percent v-notching was unlikely to occur by 2002 because there is no effort reduction plan included within the proposal and because the projected egg production did not meet the requirements of the egg production rebuilding schedule.

Those abstaining did so because they were unsure that effort had in fact remained stable over time. Evidence was presented that effort levels in 2001 were substantially higher than that of the reference period, '96 to '98.

The overall management proposal -- and I won't get into the details of Bruce Estrella's comments and my comments -- the Technical Committee voted one-three-four that the proposal should not be accepted at this time.

Those voting in favor of the overall management did so on the basis that there is a record level of abundance, high landings, decreasing fishing mortalities since the early '90s and stable or increasing potential egg production.

Those opposed to the overall management program for Area 1 voted so on the basis that they do not believe 100 percent v-notching will result in an instantaneous jump in egg production.

They do not believe that the current fishing mortality rate upon which the egg production calculations are based is accurate because effort has increased and escalations in fishing effort without future controls on fishing mortality will ensure that a higher number of females will continue to be harvested before they have a chance to extrude eggs.

Those who abstained to the vote on the overall management program did so on the basis that the proposal was not projected to meet the EPR goals in all the years specified but also recognized that this was a good start and the egg production could be further evaluated in future years.

So, recommendations for action by the LCMTs from the Technical Committee:

Consider reducing the maximum gauge size until F-10 percent has been reached by 2008; increasing the minimum gauge size until 10 percent has been reached; consider significant effort reductions to reduce fishing mortality and thus reach 10 percent; and also further mitigation to address spatial expansion in the fishery.

Recommendations for action by the Board:

Based solely upon the egg production rebuilding schedule contained in Addendum II to Amendment 3, the TC does not recommend approval of the Area 1 LCMT proposal. Based upon a review of the overall management program offered by Area 1, the Technical Committee cannot recommend approval of the Area 1 LCMT proposal at this time.

Gordon, is this format working for you?

CHAIRMAN COLVIN: Yes, that's fine.

MR. WILSON: Okay. Is the speed okay for everybody or do you want me to --

CHAIRMAN COLVIN: I think in a few minutes we may find that some of the others will go along a little quicker but this one is a complex report. I'm going to entertain questions only. I do not want to get into discussion of the LCMT proposal at this time.

That will come up under the next agenda item. Are there questions about the Technical Committee review? John.

MR. NELSON: Thank you, Gordon. Under the recommendations, the question that I had was there were four recommendations and is the Technical Committee saying that all of those recommendations need to be incorporated for the LCMT plan to be acceptable, or is it any of the four given some extent of incorporation in the plan might be acceptable?

MR. WILSON: I think you could say yes to all those in that any one of the four could reach 10 percent if they chose to take that route, or you could use a combination of one, two, three or all four.

CHAIRMAN COLVIN: Paul.

MR. PAUL DIODATI: You just presented a record of Technical Committee voting. The latter one was one-three-four and the prior one was one-six-one?

MR. WILSON: Correct.

MR. DIODATI: What was the one-six-one voting on?

MR. WILSON: That was the egg production schedule. The vote was four-two-two until 2007, and then it changed to one-six-one, I believe, in 2008.

CHAIRMAN COLVIN: Bruce.

MR. FREEMAN: My first question is you need to explain the numbers you're using for a vote. The first number, is it yes, the second number, no and --

MR. WILSON: Sorry, very good. Yes, no and abstentions.

MR. FREEMAN: Okay. Relative to the recommendation where in fact it was agreed by the Technical Committee that the egg production would not be met, it has here by 2008; was there any determination that if it went longer, it would be met at some later date or is it just the analysis was simply just for the 2004-2007 --

MR. WILSON: Our benchmark was for 2008, so all the plans were evaluated on --

CHAIRMAN COLVIN: It's based on the provisions of Addendum II.

MR. WILSON: And based on the blanket statements of the assumptions of equilibrium.

CHAIRMAN COLVIN: Ritchie.

MR. W. RITCHIE WHITE: Thank you, Gordon. I have a problem with Technical Committee members abstaining. If they are scientists and they're voting on a scientific issue, I would think that they would have to vote either up or down, and some of the reasons that you gave for abstaining sounded like a no vote to me.

CHAIRMAN COLVIN: Heather.

MS. STIRRATT: Just to speak to that, Ritchie, I didn't specify before that they could not abstain. And when we were drafting this report, I specifically asked, when we were going through each vote, why you voted as you did, and so the responses you find in this report came directly from the Technical Committee members themselves. And it wasn't -- you know, it wasn't staff actually trying to figure out why they voted as they did.

CHAIRMAN COLVIN: I'm sorry, did you have a follow-up comment?

MR. WHITE: Just a follow up. I just wonder whether we should -- and maybe it's the Policy Board that should look at this, but I would feel that we shouldn't be allowing abstentions on an issue like this. If there's not enough information, that would be a no vote or you make a decision one way or another.

CHAIRMAN COLVIN: Pat.

MR. WHITE: Just a generic question, Carl, at this time if I could. Number seven said that the LCMT should consider additional or emergency management measures. Is this new or is this something that all LCMTs are now going to be required to do?

MR. WILSON: It was under the blanket statements and I think that the thought process behind that was Long Island Sound, in that there's a schedule going along, but there's unforeseen events that happen, and so maybe it would be nice to incorporate some rapid management responses to unforeseeable events.

CHAIRMAN COLVIN: I see no other questions with respect to Area 1. We move to Area 2.

MR. WILSON: Okay, Area 2. Pass on the egg production goals, six in favor, two against, no abstentions, through the year 2008. Those opposed voted no on the basis that they do not believe that fishing mortality levels have remained constant at '96 to 98 levels.

Area 2 overall LCMT proposal, the motion carried with a three in favor, two opposed, three abstentions. Those in favor of the management program for Area 2 voted so on the basis that Area 2

plan exceeds the egg production goal prior to 2008.

Those opposed voted so on the basis that they do not believe that fishing mortality is currently at the 1998 levels. Those who abstained did so on the basis that while the program would indeed achieve 10 percent, it had no elements to address effort expansion in the fishery.

Recommendations for action to the LCMTs recommends that Area 2 consider further mitigation to address spatial expansion in the fishery; recommendation that the LCMT for Area 2 consider implementation of an effort reduction program.

For the Board, based solely upon the egg production rebuilding schedule contained in Addendum II to Amendment 3, the TC recommends approval of the Area 2 LCMT proposal. Based upon review of the overall management program offered by Area 2, the TC recommends approval of the Area 2 LCMT proposal at this time.

CHAIRMAN COLVIN: Any questions with respect to Area 2? Bill.

MR. ADLER: Carl, based on the fact that the stock assessment had them at 8.3 before their gauge increase and then we have the proposed gauge actually approved, gauge increase schedule, where did that bring the 8.3 up to?

I would think it would have gone up to 12 or something because they have smaller lobsters down there? What did the gauge increase, just by itself, do?

MR. WILSON: I don't have that number in my back pocket right now. I can get it for you in a couple of minutes.

MR. ADLER: Okay, because I'm concerned that -- I can see where they could work on those other factors down the road and try to get it right but, I mean, for that group there, which has the smaller type lobster, a gauge increase does a lot for them.

And if they were already at 8.3, I would think they would far surpass the F-10, and it seems like this is the game we're in right now is trying to get to 10 percent of something, and they did it. Thank you.

MR. WILSON: It's 10.8.

MR. DIODATI: How is the TC defining "spatial expansion" for Area 2?

MR. WILSON: There is concern that the fishery is going further and further to maintain catch and effort levels presently found. And there's a concern -- you know, overall for a lot of the

management areas, that there may have been, say, de facto refugia from fishing just because they are further away, but now the capabilities are that they can actually assess and access that stock that was previously unfished.

CHAIRMAN COLVIN: Gil.

MR. POPE: I'm sorry, Mr. Chairman, I'm going farther and farther away; in other words, expanding into new areas?

MR. WILSON: Expanding into new areas, previously unharvested or lightly harvested areas.

CHAIRMAN COLVIN: Any other questions on Area 2? Area 3.

MR. WILSON: Okay, egg production -- and this is with the trap reductions and the gauge increases -- the motion carried seven in favor, one opposed, no abstentions that they would in fact meet 10 percent by 2008.

Those opposed voted on the basis that they are not convinced that effort reductions will translate into reductions in fishing mortality.

Overall LCMT proposal approved, seven in favor, none opposed and one abstention. Those voting in favor of the overall management program for Area 3 did so on the basis that the plan reaches 10 percent by 2008 and addresses the need to decrease the significant effort escalation and growing overfishing which is occurring.

Those abstaining did so on the basis that the proposed fishing mortality changes are very optimistic given the stable fishing mortality over the last 20 years.

Recommendations for actions; no recommendations for the LCMT. For the Board, based solely upon the egg production rebuilding schedule contained in Addendum II to Amendment 3, the TC recommends approval of Area 3 LCMT proposal. Upon the review of the overall management program, the TC recommends approval of the Area 3 LCMT proposal at this time.

CHAIRMAN COLVIN: Questions? Bruce.

MR. FREEMAN: Carl, you mentioned there was one dissenting vote early on and it was that the individual did not think a reduction in effort would lead to a reduction in harvest, I think you said?

MR. WILSON: A reduction in traps would not translate to a reduction in fishing mortality.

MR. FREEMAN: Oh, fishing. I don't understand the basis behind

that. I mean, the reduction effort wasn't enough to lead to a reduction in mortality, is that -- ?

MR. WILSON: There was an assumption made in the calculations that a 20 percent reduction in traps would equate to, I believe, a 16 percent reduction in fishing mortality. We don't know the relationship between effort and fishing mortality.

MR. FREEMAN: Oh, so it was an issue that -- it wasn't that effort would be necessarily bad, but it was the specific amount that would be --

MR. WILSON: Right.

MR. FREEMAN: The fishing mortality would result from a given reduction?

MR. WILSON: Right.

CHAIRMAN COLVIN: Other questions on Area 3? Area 4.

MR. WILSON: Okay, Area 4. This was a slam dunk, eight in favor, zero opposed, zero abstentions. This vote for recommended approval was unanimous among all TC members.

The overall proposal, motion to approve, again, was a slam dunk, eight-zero-zero. The plan will reach 10 percent by 2008 based upon the combination of effort controls and gauge increases.

Recommendations for action to the LCMT, the TC recommends that the LCMT for Area 4 consider extension of the 5-1/4 inch maximum gauge size to cover males in addition to females. The TC also recommends that the LCMT consider employment adoption of a logbook program to address Objective 3 in Amendment 3.

For the Board, based solely on the egg production rebuilding schedule, the Technical Committee recommends approval of Area 4 LCMT proposal. Based upon review of the overall management program, the TC recommends approval of Area 4 proposal as well.

CHAIRMAN COLVIN: Questions? Bruce.

MR. FREEMAN: Carl, the issue of the v-notching of the females as opposed to male and female, the original assumption was females and I guess that's something that has been carried through. Could you just comment on the issue of including males, what benefits were gained biologically?

MR. WILSON: Sure. There's a belief that you need appropriately sized animals to mate with each other; and that if you're just protecting females but harvesting the males, that there

potentially would not be any comparable sized males for mating.

MR. FREEMAN: Do we know that's a requirement? Is there observation?

MR. WILSON: Yes, there are observations in laboratory experiments that confirm this.

MR. FREEMAN: Okay. So the basis really was try to keep the sex ratio even?

MR. WILSON: Correct.

CHAIRMAN COLVIN: Other questions on Area 4? Area 5.

MR. WILSON: Okay, Area 5 egg production, the motion was approved four in favor, zero opposed, four abstentions. Those abstaining from this vote did so on the basis that there was not enough information provided to them about current fishing effort levels as compared to those levels examined by the 2000 stock assessment, so that would be the '96 to '98 levels.

Overall LCMT proposal -- you guys will like this one -- one in favor, zero opposed, seven abstentions. Those voting in favor of the overall management program in Area 5 did so on the basis that the plan met all management objectives.

Those abstaining did so on the basis that there was not enough information provided to evaluate effort control as compared with the levels in '96 to '98.

Recommendations for action, the TC recommends that the LCMT consider extension of 5-1/2 inch maximum gauge size to cover males in addition to females.

For the Board, based solely on the egg production rebuilding schedule, the TC recommends approval of the Area 5 proposal. Based upon review of the overall management program offered by Area 5, the TC recommends approval of the proposal at this time.

CHAIRMAN COLVIN: Carl, I have a question. Given all those abstentions, the Technical Committee didn't repeat the recommendation it made for Area 4 with respect to considering mandatory reporting; why not, given the reservations about the lack of data?

MR. WILSON: That's a good question. It is included in one of our blanket statements that as a whole we would like to have that included.

CHAIRMAN COLVIN: Area 5 questions? Area 6.



MR. WILSON: On the home stretch. Okay, egg productions for Area 6, the motion failed, zero in favor, five opposed, three abstentions, for 2004. Egg production values carried in 2005, five in favor, zero opposed, three abstentions.

In 2006, Path 1, which failed at two in favor, two opposed, four abstentions. Path 2 carried with eight in favor, zero opposed and zero abstentions.

For 2007 and 2008, for both paths, egg production values carried, eight in favor, zero opposed and zero abstentions. Those opposed and abstaining voted so on the basis that the projected egg production did not meet the requirements of the egg rebuilding schedule under Addendum II.

Okay, Area 6 overall LCMT proposal. The TC voted, approved a vote of four in favor, zero opposed, four abstentions. Recommendations for action by the LCMT; the TC recommends that Area 6 consider implementation of management measures on a time scale that is more consistent with the other areas.

The TC also recommends that the LCMT continue employment adoption of a logbook program to address Objective 3. The TC recommends that the LCMT continue to support monitoring programs for evaluating the health of the lobster resource in Long Island Sound.

Recommendations for action by the Lobster Board, based solely upon the egg production rebuilding schedule contained in Addendum II, the TC recommends approval of the Area 6 proposal. Based upon review of the overall management program offered by Area 6, the TC recommends approval.

CHAIRMAN COLVIN: Questions of Area 6? Bill.

MR. ADLER: Carl, why did you have 9.3 percent egg production where everybody else is 10 in that? It says the egg production level of 9.3 back on the -- see there?

MR. WILSON: The 9.51?

MR. ADLER: No, it says, "Area 6 is not projected to meet the 9.03 egg production". You used the 9.03 where everybody uses the 10, why? Is there something different there?

MR. WILSON: I'd have to look back at the 2004. Heather may have an answer for that.

MS. STIRRATT: Bill, to answer your question, the 9.03 comes directly out of Addendum II and the revised egg rebuilding

schedule -- if I can find it. It's for calendar year 2004.

So, the evaluation criteria that the Technical Committee was using were four benchmarks: what they had to reach in 2004, what they had to reach in 2005, 2006, 2007, and 2008 -- actually, it's five.

And based upon the numbers in the egg rebuilding schedule for south of Cape Cod and Long Island Sound, in 2004 those states associated with that management area had to meet 9.03 in terms of egg production.

MR. ADLER: Okay, but it's still on the road to ten?

MS. STIRRATT: That's right, and that's why they were able to officially come back and say we approve the program because it does reach F-10 percent in the end.

MR. ADLER: Got you, thank you.

CHAIRMAN COLVIN: Other questions? Outer Cape.

MR. WILSON: Okay, the Outer Cape. Egg production, the motion failed, zero in favor, four opposed, four abstentions for all years, 2004 to 2008. Those opposed and abstaining voted so on the basis that projected egg production did not meet the requirements of the egg production rebuilding schedule under Addendum II.

Outer Cape overall LCMT proposal, then motion failed by a vote of zero in favor, four opposed, four abstentions. Those opposing approval of the overall management program for the Outer Cape did so on the basis that the plan does not meet the egg production goals by 2008.

Those abstaining did so on the basis that the trap reduction mechanisms and time lines were unclear and the baseline years of '99 through 2000 did not match with the '96 to '98 baseline used in the stock assessment.

Okay, recommendations for action by the LCMT; the TC recommends that the LCMT clarify a mechanism for an effort reduction program, approximately 20 percent, which would be implemented no later than 2004.

The TC recommends consider revising the proposed baseline period, '99 to 2000, for trap reductions to match the period of time utilized in the 2000 stock assessment, '96 to '98. The TC also recommends the Outer Cape consider employment adoption of a logbook program to address Objective 3.

Recommendations for the Lobster Board, based solely upon the egg production rebuilding schedule contained in Addendum II, the TC

does not recommend approval of the Outer Cape Cod area proposal at this time.

Based upon review of the overall management program offered by the Outer Cape Cod area, the TC cannot recommend approval of the proposal at this time.

You should know that the Technical Committee notes that if the LCMT for the Outer Cape were to employ numbers one and two, which is the mechanism for effort control and trap reductions -- yes, if they employed numbers one and two of the actions for LCMT in their 2001 proposal as listed above, the TC Committee would recommend approval of the Outer Cape Cod plan by a vote of seven in favor, one opposed and no abstentions.

CHAIRMAN COLVIN: Bill.

MR. ADLER: Carl, since they have mandatory reporting right now, what's the purpose of adding a logbook to the mandatory reporting that they already have to have?

MR. WILSON: I can't recall the specific incidents. I do remember that it was brought up as a concern.

MR. ADLER: I mean, I just don't see what the -- if they didn't have mandatory reporting, I see exactly what you're getting at.

MR. WILSON: I think there was a difference between the Massachusetts logbook and the Connecticut logbook. Is that right, Heather? Do you remember the conversation?

MR. ADLER: Well, I like the Massachusetts one, anyway. So, I mean, why they couldn't just -- if there was something missing out of the Massachusetts report that would fix that, just add it to the Massachusetts report rather than come up with a second set of things they have to do.

MR. WILSON: I'm sure that would be fine.

CHAIRMAN COLVIN: Anything else on Outer Cape? Any other questions for Carl before we move to the Board review? Pete.

MR. W. PETE JENSEN: I have a general question. What's the relationship between the presentation made by Heather on the LCMT proposals and the Technical Committee proposals and the recommendations on what to accept? I lost track of something here. So when the Technical Committee recommends approval, what is it they're recommending approval of?

CHAIRMAN COLVIN: I'll come to that, I think, as a preamble to our next agenda item, Pete, and I hope I'll address your question at

that point.

Before we let Carl go, there is one thing I'd like to just point out to the Board and I hope that you have all had an opportunity, if you haven't that you will have an opportunity, to review the Technical Committee report on the LCMT proposals in greater detail.

I did ask him, as I indicated, to abbreviate his presentation to us and there's a great deal of additional information there. I want to speak frankly to you as the Board chairman.

We have talked periodically about our dysfunctional family, as we have referred to them at times, the members of our Technical Committee. And let me say that we can no longer use that term with a straight face based upon the quality and the quantity of work that has been produced in this report.

I am incredibly impressed with how thoroughly and cooperatively the Technical Committee worked to complete this very difficult assignment and report to us. This is truly a reflection of a very strong, cooperative effort.

I want to ask the Board members, when you go home, to express your appreciation to your individual Technical Committee members for a job well done. And I want to make sure that the minutes of this meeting reflect the Board's sentiments in exactly the same fashion. I am very pleased.

Let me also specifically express my appreciation to Carl and to Heather. I want to point out that a couple of Technical Committee members have told me that Heather's ability to organize and prepare the agenda and the course of those discussions was also instrumental in the efficiency and the quality of the report that came out.

So, it's very important, I think, that we all acknowledge that this is a fine piece of work, and between this and the quality of some of the subcommittee stuff I see happening, I am very encouraged by the nature of the technical advice that we are now getting.

This is not to say that our Technical Committee members agree, and I would never expect them to, certainly not on lobsters and most anything else. But the manner in which they confer and deliberate and express their differences of opinion I think has been incredibly productive in this instance, and I really appreciate it. (Applause)

With that we must now turn to Item 6, Board action on LCMT proposals. Let me just kind of briefly outline -- and then I'll ask Heather to correct all the mistakes I've made -- what I think

needs to be done.

We now have LCMT proposals before us submitted through the seven area management teams and we have a series of recommendations with respect to those from the Technical Committee.

In effect what the Board needs to now do is to take action to revise and accept or to not accept those individual LCMT recommendations one by one, with the expectation that those actions that have been approved by the Board will then become the substantive content of the next addendum, which will be prepared and we'll discuss the schedule for the development of the next addendum at the conclusion of this process.

But, we will undoubtedly approve and possibly approve with modifications some of the LCMT recommendations at this point in time, and it will then fall to the staff and the PDT to write the text of an addendum that incorporates all those measures which will then hopefully be approved in time for implementation beginning January 2002, consistent with where we've been through Addendum II. Pete, did that address your question?

MR. JENSEN: Well, I think so. I still am a little puzzled by the difference between what LCMTs proposed and then in Carl's presentation there were TC recommendations to the LCMT, and then there was a recommendation of the TC to, I think, adopt everything that's on the board. Is that my understanding?

CHAIRMAN COLVIN: I think it kind of breaks down like this. I think in many cases there are recommendations; some are blanket recommendations and to all the Board and everyone in the process, some are specific recommendations to LCMTs with respect to technical advice, generally, about their management programs.

There is also specific advice to this Board as to whether individual LCMT plans specifically meet the egg production rebuilding schedule that we have adopted in Addendum II.

And it is our expectation that I think that's what we need to act on now, is that incorporation of measures in Addendum III that will conform to the egg production rebuilding schedule, Pete. Right?

MS. STIRRATT: That's correct.

CHAIRMAN COLVIN: Okay. George.

MR. LAPOINTE: Are we ready to start?

CHAIRMAN COLVIN: Yes, I think what we'll do is we'll take them one by one, and I will look to entertain a motion or action

with respect to each of the areas in order.

I will look to the government representatives of the respective areas and I'll look to Massachusetts for Area 3, although Jim is not here, who have been the primary sponsors, to put those motions and recommendations out there. So with respect to Area 1, I'll recognize George Lapointe.

MR. LAPOINTE: I have a motion, Mr. Chairman, and in your options you said "accept, accept and revise or reject." This is an accept- and-revised motion and it has two parts and I'll read it. I can read it there better than I can read it on my own sheet of paper.

The motion is that the Board accepts the LCMT 1 plan as presented and evaluated by the Technical Committee and as deemed insufficient in meeting the egg production targets beyond 2007; further, that the LCMT 1 be convened to discuss Technical Committee comments on the LCMT 1 plan as submitted to the Commission and that the LCMT 1 recommend to the Board options to achieve the egg per recruit schedule for 2008 as contained in Addendum II.

CHAIRMAN COLVIN: A motion is on the board, is there a second? Pat Augustine seconds. Discussion on the motion? John Nelson.

MR. NELSON: Mr. Chairman, I'd like to move to amend. Okay, the amendment would read, "If the revised Area 1 LCMT proposal due in October 2001 to the Lobster Board does not meet the egg production required under Addendum II, minimum gauge increases would increase until such time as that action produces the necessary percentage to reach the 10 percent by 2008.

States requiring legislative approval of lobster size changes will take any necessary action to initiate legislative consideration of size increases during the upcoming -- I couldn't remember whether it was '01 or '02, I think it's '02 -- legislative session." That's this fall session.

CHAIRMAN COLVIN: That's a motion to amend by Mr. Nelson. Is there a second to the motion to amend? Seconded by Ernie Beckwith. Discussion on the motion to amend? Mr. Lapointe.

MR. LAPOINTE: A couple comments. With this kind of a motion, I think it should not only say minimum size -- gauge size increase; it should say maximum gauge size decreases because both of those were Technical Committee recommendations made to the Board.

Those were recommendations one or two, consider minimum size increases or maximum size decreases. And then states requiring legislative approval of lobster size will take necessary action to

initiate legislative action during the -- oh, the second part is fine.

CHAIRMAN COLVIN: John, do you want to respond to the recommendation?

MR. NELSON: Yes, the intent, Mr. Chairman, is that we have a default.

CHAIRMAN COLVIN: Yes.

MR. NELSON: I think from the first part of the main motion, it was for the LCMTs to look at all the suggestions or recommendations by the Technical Committee and to build their plan around those.

I think we should have a fall-back that is pretty simplistic and would be what we need to do to make sure that that goal is met. I don't think we need to complicate it by taking all of those measures and putting it into it at this time.

CHAIRMAN COLVIN: Pat.

MR. LAPOINTE: I'll take it.

CHAIRMAN COLVIN: George.

MR. LAPOINTE: I understand that but there were -- the LCMT 1 specifically said they did not want to consider a minimum size increase; and that if they needed to take further action, that they would rather decrease the maximum.

So, given the fact we are in a process of letting the industry help us craft a management program and that they said if there are these two options they'd rather the decrease in the maximum, I would rather give deference to the LCMT in that. And now having said that, I should keep my mouth shut because the chair of LCMT 1 is sitting two places from my left.

CHAIRMAN COLVIN: Please.

MR. JOHN CARTER: My name is John Carter, chairman of the LCMT, Area 1, lobster fisherman from Bar Harbor, Maine. The LCMT does not consider the minimum gauge an option. Biologically it does very little for us. We have a cold water fishery.

Immature lobsters do not egg out like they do in the warmer water. We have discussed the maximum gauge. It's on the table. We've also discussed other options as well as a maximum gauge. The LCMT will not at this point consider minimum gauge.

CHAIRMAN COLVIN: John.

MR. NELSON: Again, Mr. Chairman, I'm not trying to restrict the discussion by the LCMT on whatever options they need to take to make the plan work. I'm just saying that as the fall-back -- and I gather this would be the most burdensome or onerous measures to take and I guess, you know, the LCMT would not want us to fall back on this position, and therefore it would behoove them to take action so we didn't have to do that.

CHAIRMAN COLVIN: George.

MR. LAPOINTE: Again, because people are looking for a fail-safe, you could incorporate the thoughts of the LCMT by just leaving a decrease in the maximum rather than an increase in the minimum. You would have, in that case, your fall-back.

If the LCMT didn't take action, you would build up the egg per recruit or the EPR schedule until the 2008 target. That would be consistent with wanting to have a stick out there to thump the LCMT if they didn't do their job, and it would be consistent with the desire of the industry members in LCMT 1 to decrease the maximum rather than increase the minimum.

MR. NELSON: Mr. Chairman, not to prolong this part of the discussion, I could accept that by making myself a friendly adjustment to the motion, if the seconder so concurs, as long as it says "and/or". We both concur, Mr. Chairman, and so with your pleasure that would be included.

CHAIRMAN COLVIN: Is the wording on the board acceptable to the mover and seconder of the amended motion, amendment to the main motion? Further discussion on the amendment to the main motion. Bruce Freeman.

MR. FREEMAN: I'm somewhat confused and it goes back to the original motion. As I understood the original motion, it was approval until 2008, and then this essentially requires something to be done by 2001 --

CHAIRMAN COLVIN: I believe the intent of the main motion is to approve those elements of the LCMT plan that address egg production until 2008 and to give the LCMT a limited amount of time, certainly not until 2008 but until later this year, to come up with a plan that meets that last increment that would be applicable in 2008.

John.

MR. CARTER: Mr. Chairman, so I'm understanding that you would want the LCMT to come back before October of this year?



CHAIRMAN COLVIN: Correct, under the amendment to the motion.

MR. CARTER: I understand that, but would it be possible to amend this motion, seeing as that would be in the middle of our fishing season to try to get the LCMT members back together, seeing as we go to the year 2007 now, let us meet in the winter and come back next spring or sometime with this type of thing, seeing it would be hard to get the LCMT members together in the middle of the peak fishing season?

CHAIRMAN COLVIN: The request is out there. Is there any other comment or proposed modification to the amendment to the main motion? Pat.

MR. AUGUSTINE: Move the motion on the amendment?

CHAIRMAN COLVIN: Right, just take a second. Any other comment on the amendment? Then we'll take the question with respect to the amendment. Bruce.

MR. FREEMAN: The request seems reasonable. I mean, I can understand the press to get some action agreed to at the present time, but I'm wondering if in fact a later date wouldn't be reasonable, perhaps late spring.

I'd certainly want to see this prior to the season beginning because this issue needs to be attended to, but I think in reality it's obviously a very important issue to Maine. To require them to do it in the two months may be somewhat unreasonable.

CHAIRMAN COLVIN: The Board will have to make this decision. I would point this out, and that is that if the additional material is provided in time for the October annual meeting, then it can potentially be incorporated specifically into Addendum III.

If not, it cannot be. Addendum III will defer that last increment because, again, we're looking to be on schedule for implementation by January 1, 2002. That's what I wanted to let you know,. Pat.

MR. WHITE: Can you expand on that a little bit, Gordon, as to what that means if that wasn't incorporated.

CHAIRMAN COLVIN: Well, it would mean that Addendum III would identify specific measures to be implemented beginning January 1, 2002, through whatever date the schedule called for them that would have to be supplemented at some point in the future with additional measures to get to 10 percent.

MR. WHITE: So if we picked up on what Bruce is saying and I made an amendment to this motion and changed it to whatever, the end of February, would we then be out of compliance or is that part of a

new addendum?

CHAIRMAN COLVIN: That depends on what's in the actual language of Addendum III, I think is the answer. Unfortunately I don't think there is a yes or no answer I can give you at this moment. Bill.

MR. ADLER: Sorry, Pat, but I have to ask these questions. So in other words, in a rough thing, is if this -- if the LCMT Area 1 plan were to pass with this wording, it would be the understanding that the 100 percent v-notch would go into effect ASAP, as soon as you can, and that the LCMTs would meet to discuss the minimum size or the maximum size which might be needed to finish the job by 2008.

That doesn't necessarily mean that a gauge increase or a gauge decrease is going to go into effect next year. It's that down the road, but before 2008, the job will be finished with one of those things.

I know that the Technical Committee already said that if you did a maximum gauge decrease, this plan would be at 10 percent on 2008.

So, it's my understanding that if this motion passes, the Area 1 v-notch proposal would go forward, plus there would be included in their plan that they would meet at one of these times and that they would come back with one of those other things to be implemented before 2008 to finish the job. Is this the understanding of what this motion means?

CHAIRMAN COLVIN: Well, I'll ask the mover of the main and the amendment if that's their understanding of the collective content. A yes or no will be fine. John.

MR. NELSON: Mr. Chairman, the intent of the motion is to have a plan in place and, as you pointed out, hopefully it would be able to go in place under Addendum III.

Whatever is necessary to put into the plan at whatever time table is necessary is something that we would have to still flesh out, and I would not want restrict by any particular date at this time.

It may make more sense to do a size increase or a decrease prior to '07 or '08. So I'd want to maintain that flexibility.

CHAIRMAN COLVIN: Mark.

MR. GIBSON: I have two questions, one for the Technical Committee Chair and one for the Board Chair. And, first the Technical Committee, Carl Wilson, taken individually which of these management measures, minimum gauge size or the maximum gauge size is more effective in increasing F-10 in this management area?

MR. WILSON: Because of the maturity curve, it's actually decreasing and the maximum size seems to be more effective.

MR. GIBSON: And the second question I had was more of a procedural one. When we had passed the motion back -- and I don't remember when it was -- that set June as a deadline for submission of an Area 1 plan, and probably Area 6 as well, did we contemplate that there was going to be partial compliance achieved with these proposals?

Addendum II adopts an egg production schedule that goes through 2008. I'm just wondering if it's even in order to consider partial compliance with these type of motions.

CHAIRMAN COLVIN: Do you want to address that question, George?

MR. LAPOINTE: I think probably compliance is the wrong word because it scares us all at the Board, and acceptance maybe is a better word.

The intent of my main motion was to give the LCMT some credit for what they've done and not just say we reject the plan and you have to start it over. It is in essence to say you did a good job, you almost got there and you're not quite there.

And so that's why it is in the kind of accept and revise because, you know, it met all but the last year of that plan. I mean, it's just to -- and John can address this if he wants. I see him raising his hand -- just giving them credit for the good work they've done to date.

CHAIRMAN COLVIN: Mark, Heather and I have also conferred. You know, I believe if the question is "was there a requirement to produce a plan that achieved the full 10 percent reduction by 2008", the answer is yes. A plan that achieved less than 10 percent would presumably not comply with the applicable provisions of Addendum II. John.

MR. CARTER: It was definitely not the LCMT's intent to present a plan that did not comply. We felt then, we still feel now, that our plan complies. There are a lot more issues in our plan that the Technical Committee never even addressed.

We are more conservation-minded than most areas. If you look through all the bullets in the plan of all the things we do, we feel that we should be getting credit for these in the model. We are not getting credit for these in the model.

We've gone to a limited entry. We've slowed the mobility of the fleets down, which has been mentioned here several times today, by going to limited entries. We have a 51-49 percent rule in the state of Maine.

If you're in a closed zone, you cannot fish more than 49 percent of your traps out of your zone, which slows the mobility down. We feel that we are doing more than we are getting credit for, and we feel that zero tolerance and mandatory v-notching will take us to our 10 percent.

When we presented this plan, we felt very sure that we would be there. We did not intend to present a plan that I believe takes us to 9.4 or some such figure like that in the year 2007.

We will definitely meet if you give us the opportunity and come back with a plan that will meet the egg per recruit model. I'm just saying that we are all -- I left Monday morning to come to this meeting, and I quit hauling at noontime Monday so I could get on an airplane. It was the best haul I'd seen all year.

And our season is just starting. It will be hard to bring people from the tip of the Cape and from Eastport and get them together when they've been waiting all year for a season. If you would see it within your hearts to give us the winter month to meet, I'm sure we can come back with a plan that will fit the bill. I guess that's it.

CHAIRMAN COLVIN: Ritchie.

MR. WHITE: As was alluded to earlier, it was a year ago that we had a motion on the floor to have a gauge increase. And after lengthy discussion, that was withdrawn and the LCMT was given a year to come up with something.

I think given that you have very little more to accomplish than the v-notch, I think there is not a problem with this because you're going to be able to come up with something short of these measures that you may not like fairly easily. So I don't see the problem with this if you have the ability to finish off the 10 percent. So I still support this.

CHAIRMAN COLVIN: Ernie.

MR. BECKWITH: Thank you, Mr. Chairman. Sitting here trying to think of ways we could accommodate the situation, I think it pretty much comes down to Amendment 4. No matter what happens with Maine, I think we're going to have to do Amendment IV.

And let me just play out a scenario here. Assuming we all hold the line and Maine cannot submit a -- I won't say "Maine", Area 1, I'm sorry -- Area 1 cannot submit a proposal by October 1st in time, then this default happens and some kind of a gauge change goes in place.

The way I read it you really don't have to have that as a

regulation until probably -- let me see here -- have it in place by '07. So you really have time. I mean, we're going to end up doing Amendment 4 anyway.

If the Board grants you time to go beyond January 1st, that means everybody else gets their measures in Amendment III and then we have to do a special Amendment 4 for Area 1. So the bottom line is if you let this thing go the way it is, you have plenty of time to address it and make a change, however you so choose, to meet F-10 by '07. So I don't see it as a big problem, other than perception. I think you have a problem back home.

MR. AUGUSTINE: Thank you, Mr. Chairman. In addition to that, would it not be possible for the LCMT to have a conference call on this? How much effort are we talking about spending? Whether it's seven o'clock at night or two o'clock on an afternoon, it would seem a call, in view of the fact you're 99 percent there, and in addition to what Mr. Beckwith said, absolutely no question you've got six or seven years to do this when in fact you want to get done with it. But I think that might be an approach.

CHAIRMAN COLVIN: George.

MR. LAPOINTE: The difficulty with that is John's LCMT has seventeen members but we have had pretty active participation. I think we had 100 people at our last one -- 150 John tells me, but he exaggerates; either way, a lot of people.

And so that would be really hard. And there's people who care enough about this issue that we have to give them a chance to watch it percolate.

CHAIRMAN COLVIN: John.

MR. CARTER: Just a question. What this gentleman said down here is true. We don't have to be there until the year 2007, and I agree with what he says, provided that the LCMT has the opportunity to meet and maybe do something other than what is stated here to meet our 10 percent. As long as we meet our 10 percent, we're not bound by going down on the measure or going up on the measure; is that correct?

CHAIRMAN COLVIN: Yes. Brian.

MR. BRIAN CULHANE: In the selection of words on there, in the last sentence it says "legislative consideration of size increases". I think that should be "changes" since you're probably looking at a decrease.

CHAIRMAN COLVIN: Thank you, that's a good catch. Would you agree, John and Ernie? Yes. Any other discussion on the motion

to amend? Then let's take the question. Do you need a moment to caucus? Hold on, please, Bruce has a question.

MR. FREEMAN: Yes, I'm somewhat confused here. The way the motion reads is that if -- and I understand what Ernie said and I tend to agree, but when I read the motion again, if the LCMT 1 doesn't come up with something by October, then automatically there would be a size change that would go into place beginning 2007.

And my question is what opportunity does LCMT have of doing other things relative to this motion? Do they have that opportunity? Let's say they don't do anything by October, that means the only option would be either increase or decrease size? There's nothing else they can do?

CHAIRMAN COLVIN: George.

MR. LAPOINTE: That's how it's worded. I think, in talking to John and Ritch before this meeting started, their intention is to make sure we get the job done. And I don't quibble with that.

My question is -- and it's one to the Board -- do we get the LCMT together? The simple question is do we get the LCMT together in August or in January? I mean, to me that's the question. You know, John's point that in fact the lobstermen are going to be right in the midst of their season and that's hard; that's the fundamental question that I have about this motion to amend.

CHAIRMAN COLVIN: John Connell.

MR. CONNELL: Gordon, if the motion indicated that the revised proposal due in October does not meet the egg production model required under Amendment II by April 1, 2002, minimum gauge sizes would increase or maximum, that would provide an opportunity for the LCMT to meet, would resolve the issue and might put the time line in that would allow us to include this under the addendum that you would like it included.

CHAIRMAN COLVIN: That's another suggestion.

MR. WHITE: Can we make that as a motion to amend, what he said. Did you write it down?

CHAIRMAN COLVIN: I think we're going to need you to state it more thoroughly than that.

MR. WHITE: Can you say it again?

MR. CONNELL: In my own words, you add the dates of -- can you roll that back down a little -- after the words "Addendum II" in the third line add "by April", whatever our meeting week would be,

whatever the next Lobster Board would be "by April", okay "by April 1, 2002", that's really where it meets.

That gives your LCMT an opportunity to meet after January. It would be prior to the next fishing season so it wouldn't create a problem each way. And I think it might resolve some of the concerns that we currently have.

CHAIRMAN COLVIN: Just sitting here reading it, that appears to be internally inconsistent in imposing an October deadline and then later an April 2002 deadline. It is not entirely clear to me what the meaning of those two deadlines is now.

If the intent is to change the October 2001 to something different, that could be offered. We might run into a consistency problem at that point with Addendum II.

MR. CONNELL: By the way, I did not offer that as an amendment.

CHAIRMAN COLVIN: Yes, I know.

MR. CONNELL: Just a suggestion.

MR. WHITE: Picking up on what you said, then, Gordon, could you say "propose that the revised Area LCMT 1 proposal be due in by no later than April 1, 2002" and take out that other part? I would make that as a motion if that's acceptable, a motion to amend. Do you understand what I'm trying to do, John? You have to --

MR. NELSON: I don't agree with the change in the date. I was trying to avoid further discussion on this, but let me jump in here and discuss it. I think that we are probably being very optimistic that you're going to get 100 percent v-notch activity out there.

Therefore, the projections of meeting those time lines are going to be wrong and it's going to be -- in a year from now or two years from now that's what's going to happen, and we need to put something else in place that is going to make sure that we meet the egg production level.

It's the resource and the harvesters that are going to suffer if we don't do the right thing. Now we have an opportunity to include this under Addendum III. I think that that's what we should do. I do recognize, because it's my constituents, also, that serve on that LCMT team, and they won't be happy to give up a day and not go fishing.

The LCMT was asked to reconsider this when they first came up with their concepts, and I am not finding fault with their concepts but there was a request that, gee, what if this doesn't reach the

overall percentage, how about having a fall-back, and that was not developed.

I think we need to develop it onto this time line so that we can have it in Addendum III and move ahead with this and make sure that the Gulf of Maine lobster industry and resource is not going to be seriously impacted negatively.

CHAIRMAN COLVIN: I'm just going to ask that we try to limit our comments at this point to things not said before, and I'll ask everybody to look at their watches. George.

MR. LAPOINTE: With John's comments in mind, Mr. Chairman, I was going to call the question.

CHAIRMAN COLVIN: Without objection, we'll take the question. I will read the amendment to the motion:

If the revised Area 1 LCMT proposal due in October 2001 to the Lobster Board does not meet the egg production required under Addendum II, minimum gauge sizes would increase and/or maximum gauge sizes would decrease until such time as this action produces the necessary percentage to reach F-10 percent by 2008.

States requiring legislative approval of lobster size changes will take any necessary action to initiate legislative consideration of size changes during the upcoming '01-'02 legislative session.

Do you need a moment to caucus? Take a moment to caucus. All in favor, please signify by raising your right hand, one vote per state, eight; opposed, same sign; zero; abstentions; one; null votes. The motion carries.

We now take the main motion as amended. Is there further discussion on the main motion as amended? That's main motion with an "e" even though it was with an "e" at one time. Seeing none, we'll take the question. All in favor, please signify by raising your right hand, nine; opposed, same sign; abstentions; null votes. The motion carries.

Anything further from Area 1? Area 2. Area 2, I guess I look to Rhode Island or Massachusetts to initiate a proposal with respect to Area 2. Paul.

MR. DIODATI: I'll move that the Board accepts the LCMT Area 2 plan as presented and evaluated by the Technical Committee.

CHAIRMAN COLVIN: Moved by Mr. Diodati; seconded by Pat Augustine. Discussion on the motion? Seeing none, we'll take the question. All in favor please signify by raising your right hand, nine; opposed, same sign; abstentions; null votes. The motion carries.



Area 3, Paul.

MR. DIODATI: I'll move that the Board accepts the LCMT Area 3 plan as presented and evaluated by the Technical Committee.

CHAIRMAN COLVIN: Moved by Mr. Diodati; seconded by Mr. Nelson. Discussion on the motion? Seeing none, we'll take the question. All in favor please signify by raising your right hand, nine; opposed, same sign; abstentions; null votes. The motion carries. Area 4. Bruce, would you do the honors, please.

MR. FREEMAN: I would move that the Board accept the LCMT Area 4 plan as reviewed and approved by the Technical Committee.

CHAIRMAN COLVIN: Moved by Mr. Freeman; seconded by Mr. Augustine. Discussion on the motion? Seeing none, we'll take the question. All in favor please raise your right hand; opposed, same sign; abstentions; null votes. The motion carries. Area 5, Bruce.

MR. FREEMAN: Yes, I would move that the Board accept the LCMT Area 5 plan as reviewed and approved by the Technical Committee.

CHAIRMAN COLVIN: Seconded by Pete Jensen. Discussion? John Nelson.

MR. NELSON: Mr. Chairman, I'm not sure that we resolved, or do we need to resolve the point as far as this overlap between Areas 5 and 3. And it seemed like there was some agreement, and then again I got the sense that there was not agreement.

CHAIRMAN COLVIN: Yes.

MR. NELSON: But before we vote on this, I think we need to resolve that.

CHAIRMAN COLVIN: Here's my suggestion -- and as I pointed out earlier, this is really a problem that occurs out in Area 3 and not up in Area 5, as I understand it, but my suggestion would be that those fishermen from New Jersey and south, which is where I believe the problem is, that have that problem, work with the Area 3 LCMT, and I believe I heard representatives of the Area 3 LCMT indicate a willingness to work with them to see if they can come to a resolution of that issue. But I think that falls within the Area 3 geography, if I'm not mistaken. David.

MR. SPENCER: The Area 3-5 actually you just approved because it was part of the Area 3 plan, unless we're talking about two different things.

CHAIRMAN COLVIN: We need to clarify something for the record. Bruce, I'm going to come back to you with respect to this issue.

There were two elements to Area 3-5 interaction that were referred to in the Area 5 report. One of those elements involving a five-mile overlap area was included in both the Area 3 and Area 5 recommendations.

MR. FREEMAN: Correct.

CHAIRMAN COLVIN: And I think it is quite correct, as has been pointed out, that that has already been accepted by the Board in its action on the Area 3 plan.

I think what we need to get clear on now is what is being proposed under the Area 5 plan with respect to the second issue that was not part of the Area 3 plan, and is that part of the motion and is that on the record at this point.

We need to get clear for our record what it is that's on the table as an initial step. So, I think we need to refer to the Area 5 plan; correct?

MR. FREEMAN: Well, Gordon, just to help, the Area 5 asks for the -- I'm just trying to look at the wording, and I don't have it in front of me. I don't have the wording in front of me, but the second issue essentially was an Area 5 issue where vessels historically fishing in Area 5 also had fished in Area 3.

CHAIRMAN COLVIN: I think in order to get a handle on what we're talking about, it appears as item 14 on page 5 of the Area 5 LCMT proposal. And it talks in terms of an Area 3-5 overlap boundary, and there are two parts to it. The first part is the problematic part.

MR. FREEMAN: Yes. The proposal was this, it was that vessels qualifying to fish in Area 5 and with a history of fishing in Area 3 would not be subjected to the Area 3 25,000 pound criteria.

CHAIRMAN COLVIN: South of 39-30.

MR. FREEMAN: South of 39-30. Now the discussion was from Area 3 they've already faced a situation where there has been at least vessels wanting or claiming to fish --

CHAIRMAN COLVIN: Bruce, can I stop you right there? The first thing I want to do is get our record clear. Does your motion intend to incorporate item 14 here on page 5?

MR. FREEMAN: For the sake of moving forward, I would intend it to be included.

CHAIRMAN COLVIN: Okay, so the record needs to be clear, and I want to get back to Mr. Nelson who raised the issue that, in fact, the Area 5 proposal does include and the motion does include this

recommendation here that appears as item 14.

And note for the record that that includes two elements, one of which would exempt certain fishermen fishing in Area 3 from the 25,000 pound landing qualification south of 39-30, which has not been agreed to by the Area 3 LCMT; and a second provision which would similarly exempt people in Area 5 fishermen fishing out five miles into Area 3, which has been approved by the Area 3 LCMT and we just approved it.

So it is the first of those two issues right now which is part of this recommendation and part of this motion which is open for discussion and, John, I think the Chair needs to get back to you now and offer you that response to your inquiry. It is clearly within the Board's purview to dispose of this by either accepting or not accepting that part of the motion.

MR. NELSON: Thank you, Mr. Chairman. I won't judge whether we should accept that at this time. I think I just need to hear a little bit about the pros and cons associated with that -- I think it was that requirement and the overlap aspect.

It sounded to me as though our discussion before was that there were going to be more participants or the fear of more participants coming in that may or may not have had a history, and I think that's where the argument seems to focus on but I'm open to listening.

CHAIRMAN COLVIN: Pat.

MR. AUGUSTINE: Thank you, Mr. Chairman. I was under the impression that Area 3 was not in favor of this and that this was primarily an Area 5 wish, on their wish list.

I was also under the impression that one of the representatives from Area 3 had made a comment earlier under the public presentation section to the effect that they were not in favor of this; and to go ahead and approve it for Area 5 without the consensus of Area 3, I think it's not only ludicrous but I think it's giving one group the authority to do it without explicitly including it in the other area's LCMT.

CHAIRMAN COLVIN: Dave Spencer.

MR. DAVID SPENCER: Thank you, Mr. Chairman. First and foremost, I think if it goes forward approving something like this, it's the death knell of area management. I think every area is charged with coming up with regulations that affect their own management area and not others.

As you are well aware of, Area 3 is inundated with great

suggestions on how we can improve our area. I can give you a list dating back to the Council days that we've altered our plan at request of many different people. I think the integrity of area management has to be maintained.

Secondly, it's not completely accurate that we're against this. We attended the Area 5 LCMT meeting. We agreed to continue talking; however, we made very clear that we can't agree to anything that will increase effort in our area.

We're struggling to meet the charge of reducing effort and the Area 5 representative said it would be no earlier than the end of this year before those records were available.

And I would also like to point out one of our biggest fears is that we've projected roughly 120,000 traps to fish in Area 3. The state of New Jersey is going to allocate 156,000. If we potentially agreed to this, overnight we've more than doubled our effort potentially, and that's at the heart of our concern.

So that's where we stand. We're not opposed to continue talking. I'm not going to give you a guarantee that we can come up to an amicable agreement but we are certainly willing to try. Thank you.

CHAIRMAN COLVIN: Thank you. Let the Chair express an opinion on this and that is this. I am very much inclined to agree with certain of the sentiments expressed by the last two speakers and am actively weighing a ruling that the motion is out of order at this time in that it incorporates a recommended measure outside the area of the LCMT report that's proposed for approval. With that statement, let me recognize Bruce Freeman.

MR. FREEMAN: We're very much aware of the concerns expressed by the people in Area 3 and we certainly don't want to see a large expansion. We've very much concerned about that. On the other hand, we have vessels that have fished for over 15 years at times in Area 3.

They went into the area only when they found it absolutely necessary. They fished predominantly in Area 5. Nevertheless, by excluding them -- and these vessels may only fish a month a year in Area 3, but their catches were less than 25,000 pounds during that period.

And under the criteria set for three, they would be excluded. So we have people here that historically have fished, had fairly small catches, that it's important for them to continue the historical fishery. T

The only difference, I think, was how this could be allowed under

the present criteria and not expand any more the number of vessels wanting to fish in Area 3, as Dave has indicated. My concern here, Gordon, primarily is timing.

If we have the flexibility and the ability to continue discussions with Area 3 LCMT people, my concern is if we don't come to an agreement, do we have to go through another addendum to actually formalize that agreement and will it take us another year or two to do it? So it's really one in time.

Is there some mechanism that if we could come to some agreed-upon resolving this, my question to you is how quickly could we effect this?

CHAIRMAN COLVIN: Well, let's turn back to our discussion of Area 1. If you want it in Addendum III, you'd better get it done by October. That's the challenge.

MR. FREEMAN: Well, what you're saying is if we could resolve this issue and then come forward to the Board in October, this could be included.

CHAIRMAN COLVIN: Right. And I would at that time suggest that it be brought forward as an amendment or a modification to the Area 3 area management plan because that's the affected area.

I am very troubled by a motion to incorporate into our addendum on behalf of Area 5 a variation in the qualification in another area. Change the numbers. Shall we approve a measure that allows any Area 6 fishermen to get a permit in Area 1?

I think only if it's part of the Area 1 management program, not if it's part of the Area 6 program. I am very concerned about this and I'm going to say it again. If we don't get a motion to amend or perfection, I'm going to rule the motion out of order. George.

MR. LAPOINTE: Mr. Chairman, to move on with this, I would amend - now I'm going to have to think before I speak, I hate that. It strikes me that the concept used in Area 1 of allowing people, giving them a chance until October to come up with a proposal is the option, but we probably spoke too soon.

MR. FREEMAN: Well, Gordon, let me just help you out and to move this thing along, let me withdraw that portion that would exempt people historically in Area 5 fishing Area 3, so we deal with the five-mile buffer and we remove that other portion.

CHAIRMAN COLVIN: Bruce, I think we can remove all of number 14 since we already approved the five-mile overlap in the Area 3 plan. It's done.

MR. FREEMAN: Okay. And then we'll work with Area 3 to resolve this by October.

CHAIRMAN COLVIN: David.

MR. SPENCER: Thank you, Mr. Chairman. Could I just make a point of clarification. The criteria for Area 3 is not necessarily you don't have to catch your 25,000 pounds in Area 3, it's throughout the range. And I just think that's very important to bring back to the people. They don't have to catch it in Area 3, it's throughout the year, throughout the range. Thank you.

CHAIRMAN COLVIN: Is there further discussion of the Area 5 proposal? Pete.

MR. JENSEN: Well, a clarification on the most recent statements. Part of what's going on here is Maryland is a de minimis state. We land less than 40,000 pounds. Some of the fishermen fish right on that line, sometimes in Area 3, sometimes in Area 5.

And they were of the opinion that they were going to be excluded from carrying out that traditional fishery which led them to consider this five-mile overlap. Now is it the interpretation that based on what was done in Area 3, that those fishermen can continue to fish on both sides of that line under de minimis status

CHAIRMAN COLVIN: The five-mile overlap is already in the Area 3 proposal.

MR. JENSEN: Okay, just want to make sure that's clear.

CHAIRMAN COLVIN: Which we approved by motion a few minutes ago. Further discussion on Area 5? Seeing none, do you need to caucus on the Area 5 vote? Let's take the question. All in favor, please raise your right hand; opposed, same sign; abstentions; null votes. The motion carries. Area 6, Ernie.

MR. BECKWITH: Okay, thank you, Mr. Chairman. I move the Board accept the Area 6 LCMT plan as reviewed and approved by the Technical Committee.

CHAIRMAN COLVIN: Seconded by George Lapointe. Discussion on the motion? Seeing none, we'll take the question. All in favor please raise your hand; opposed, same sign; abstentions; null votes. The motion carries. Outer Cape, Paul.

MR. DIODATI: I'll move that the Board not accept the Outer Cape LCMT plan as presented and evaluated by the Technical Committee and consider a revised October 2001 LCMT plan that addresses a trap reduction schedule based on a time frame consistent with the

2000 stock assessment.

CHAIRMAN COLVIN: Is there a second to that motion; John Nelson. We'll get it up on the board as soon as we can. Can we initiate discussion before it goes up? Bill.

MR. ADLER: Apparently in the report, this whole thing boiled down to a date that they based a trap reduction on, and it was that they wanted, I think it was '99-2000, and the Technical Committee wanted like 1998.

That was the only real thing that stood in the way of approval so what this motion basically does is it gives them time to talk that one over, that's all, because we don't know exactly why they wanted '99 instead of '98, but it gives them a chance to come back with that one thing fixed which fixes it according to the Technical Committee.

CHAIRMAN COLVIN: Okay, Ernie.

MR. BECKWITH: Thank you, Mr. Chairman. I've got a technical question for Carl. I see that the Outer Cape plan as proposed by '08 reaches a 7.8 percent egg production, and they're talking about a 20 percent reduction in traps, if I recall.

Tell me, did you evaluate, did you equate that percentage in trap reduction to the additional egg production that's needed because that's a very important point. I recall from previous issues and meetings that there was difficulty equating reduction in traps with an equivalent increase in egg production.

MR. WILSON: The value 7.8 comes from the document that was presented to the Board last August for the Georges Bank and south stock assessment area. If you went to I believe it's a 3-1/2 inch minimum gauge size, that would achieve 7.8 percent.

The next question, your question is the 20 percent trap reduction, what would the fishing mortality rate reduction be from that. If the same criteria was used as it was for Area 3, then it would be a 16 percent reduction in fishing mortality.

I think it's safe to say that -- well, I'm not sure if that same criteria would be used for the Outer Cape. There's dissention in the Committee, you know, as far as, you know, is that 16 percent.

The basis for a 16 percent reduction in fishing mortality in Area 3 was based on that the Area 3 fleet is fishing approximately as efficiently as they can, and if they reduce their traps, there's only so much that they can increase their efficiency and maintain fishing mortality rates currently shown.

That same argument was put forward for the Outer Cape is that it's a migratory population that shows they wouldn't be able to increase their efficiency as much. So the number, with the 16 percent increase, according to Joe Idowine, I believe, comes to 10 percent.

MR. BECKWITH: Just to follow up, Mr. Chairman, the reason I asked that question, I wanted to hear that, Carl. I wanted to hear that it does vary by area, because we've had some calculations done for Area 6; and if I recall, it would take a 30 to 40 percent reduction in a number of traps before we even tried to even touch the fishing mortality, even started to reduce it. And I was just curious as to what kind of relationship there was for the Outer Cape, the trap reduction and F.

MR. WILSON: We don't know. For the Gulf of Maine it's closer to 50 percent. Some estimates have been in excess of 50 percent before you even start to touch it. So it's an unknown.

MR. BECKWITH: But if applying a similar criteria, the calculations show that you can make up that egg production as needed.

MR. WILSON: If a 20 percent reduction in traps equals a 16 percent reduction in fishing mortality, they would achieve 10 percent.

CHAIRMAN COLVIN: I would like to just note for the record at this point in time that we are close to the end of item 6 of the 12 item agenda, and we are at our scheduled adjournment time.

Jack and I have talked and Dave Borden, who chairs the Menhaden Board, has graciously surrendered the first thirty minutes of the Menhaden Board's time to the Lobster Board. However, it won't be 31 minutes, it will be 30 minutes or less and we need to efficiently conclude our business before 3:30. That said, let me ask if there's further comment on the motion? Bill.

MR. ADLER: Real quick, Carl, it also indicated in this thing that that the figuring out of the Outer Cape thing did not include a vent size increase, which I would mean that if they did, they'd have more points than that, it sounds to me. So, anyway, there's another back-up thing to protect us. Thank you.

MR. WILSON: I'm told by Heather that that's true.

CHAIRMAN COLVIN: Further discussion on the motion? Implicit in the motion that the LCMT will timely produce a revised plan that meets our needs because, as we will discuss in a moment, those needs will be extremely time constraining.

We'll take the question. All in favor please signify by raising



your right hand; opposed, same sign; abstentions; null votes. The motion carries.

Is there anything further to come before the Board with respect to action on the LCMT proposals? The next agenda item, therefore, is Board action on Addendum III. What we're looking for at this point is a motion from the Board to direct staff to begin the preparation of an addendum that will specify the implementation schedule area by area of the measures we approved from the LCMT plans, with the understanding that the only options that will be shown are those that were specified in the LCMT plans themselves that we approved.

There were some that had different options or different paths, if you recall. Otherwise, there will not be alternatives. The expectation is that once such a motion is passed, that we will begin immediately the preparation of that addendum which will be back to the Board in October. And we will have very little time, by the way, to get it in place before January 2002. Pat Augustine.

MR. AUGUSTINE: Thank you, Mr. Chairman. I so move. If we could have Joe read back what you just said to him, it would be the essence of this motion, I believe.

CHAIRMAN COLVIN: Now, I'm not going to ask Joe to do that.

MR. AUGUSTINE: Well, you said it so eloquently, why don't you repeat that.

CHAIRMAN COLVIN: Pat has offered a motion whereby the Board directs staff to begin preparation of Addendum III for presentation to the Board in October consistent with the provisions of the approved LCMT plans. Seconded by Pat White.

Discussion on the motion? All in favor please signify by saying aye; opposed, same sign; abstentions; null votes. The motion carries. Thank you, Pat.

The next item is Board review/approval of draft Amendment 4. Heather.

MS. STIRRATT: Draft Amendment 4. Copies of draft Amendment 4 have been distributed in advance via the CD-rom as well as on the back table, although there are no more copies left, so I apologize for those of you who may be missing a copy.

As requested during the April Board meeting, personnel from the states of Massachusetts and Rhode Island have developed draft Amendment 4 for this Board's review.

To review, the amendment itself considers conservation equivalency

allowances for two requirements under Amendment 3, including non-trap gear limits and prohibition on possession of v-notched females.

This document mirrors exactly what the finalized amendment will look like if approved. In other words, if draft Amendment 4 is approved, it will look exactly like the document you have in front of you. If draft Amendment 4, following public hearings, is not approved by this body, then status quo management continues under Amendment 3.

So you won't see a status quo option in this draft amendment because the only other option is that this amendment moves forward or it doesn't. The action before this Board today is to approve draft Amendment 4 for public hearings.

According to the ISFMP charter, a minimum of four public hearings will need to be held before the October meeting week so that we can bring those public comments back before the Board, and the Board can take some final action to either approve draft Amendment 4 or to remain status quo action under Amendment 3.

Commission staff will, as usual, be requesting that the states staff these public hearings given that Amendment 4 was allocated as resources are available, and certainly we have not budgeted for public hearings for this purpose.

As usual, I will go ahead and prepare all the necessary documentation, slide presentations and so on for your state personnel to conduct these hearings. Mr. Chairman, that concludes the review of draft Amendment 4.

CHAIRMAN COLVIN: Paul.

MR. DIODATI: I'll move that the Board approve draft Amendment 4 for public hearings.

CHAIRMAN COLVIN: Moved by Mr. Diodati; seconded by Mr. Gibson. Discussion on the motion? Seeing none, is there a need to caucus? Bruce.

MR. FREEMAN: I have some discussion. In our public hearings on this issue, we submitted a table that included the catches of New Jersey, similar to table 1 that Rhode Island had attached to this or staff had attached, and I would ask that table 2, which would have New Jersey's catches, be included in this amendment. It was essentially only for informational purposes.

CHAIRMAN COLVIN: Bruce, is this something that you can provide?

MR. FREEMAN: Yes.

CHAIRMAN COLVIN: Is there any objection to adding such a table if provided by New Jersey? Without objection.

MR. FREEMAN: Okay, thank you.

CHAIRMAN COLVIN: Further discussion? I think it needs to be clear that these are examples, Bruce, that's all. It's not intended to mean that because there's a Rhode Island table or a New Jersey table --

MR. FREEMAN: No, I understand, but we have the same issue. I just wanted to be included.

CHAIRMAN COLVIN: Yes, no problem. Is there a need to caucus on this one? Okay, all in favor please signify by saying aye; opposed, same sign; abstentions; null votes. The motion carries.

A housekeeping question, Heather, with respect to public hearings, you will need a minimum of four public hearings. Can I just see a show of hands of those states that will intend to hold public hearings. How many public hearings?

Maine, New Hampshire -- no, not New Hampshire -- Rhode Island -- I thought you would -- Massachusetts, that's three. Well, we need to have one more. We need to have public hearings in a minimum of four states. New Jersey volunteers. Now, other states may choose along the line but we now have our minimum identified. And Heather will be in touch with those four states to arrange those logistics.

The next agenda item is the lobster database update. Is this Heather or Carl?

MS. STIRRATT: Just briefly, as many of you may recall, we have been discussing for some time now the development of a lobster database which would assist us greatly in terms of our next stock assessment being completed.

And as Ernie was alluding to earlier, we are dealing with somewhat of a time lag in terms of data. And one of the questions that I had posed to the Technical Committee in one of our first meetings was what do you feel comfortable with relative to a stock assessment and lag times in between such assessments?

And what I was told was that we'd really like to have a stock assessment or at least some type of internal review on an annual basis.

As many of you all know, having gone through the 2000 stock assessment review, that was not an easy process, and it was one that is looked back on by many of our Technical Committee members

as a process that they absolutely do not want to repeat.

In fact, one of the first things I was told upon coming into this position was we will not do another stock assessment until there is a centralized database by which to store that information and consolidate it when it comes to the point of performing another stock assessment.

So, what I distributed in advance via CD-rom was a revised budget. If you picked up a packet, it will be behind attachment 7. If you have the CD-rom, it was included under the lobster database update section.

Basically this revised budget takes a look at how much money we were given. At the initial start of this year, we were awarded through the ACFCMA monies of about \$23,500. That money was pretty much spoken for.

In fact it was spoken for with our various meetings. And at that it didn't include a budget for the subcommittee so all of the subcommittees to the Technical Committee were really draining money away from the Technical Committee to perform their various functions.

One of the things that I was made aware of earlier on this year was the availability of some additional monies through ACFCMA specific for Northeast initiatives or to really give to those species that are of the highest priority in our Northeast region.

And, of course, lobster was getting a lot of attention at that time. Knowing that the database is something that we've all been talking about, I've been hearing about for some time, and also knowing about the work that we had ahead of us and the meetings that would have to occur this year, what I did was talk to both Jack and a number of different people, including Gordon, about the possibility of getting some money specific for lobster that we could divvy up and try to get some additional meetings set up, try to give some money to the subcommittees for their meeting purposes, as well as have whatever is left over to throw at a database initiative, initially speaking.

Recently I was informed -- and this was probably following like a day or two after the April meeting week -- that we had in fact been given about \$24,000; in fact, exactly \$24,000 more through this Northeast initiative, which created a total sum in terms of our pot of money for this calendar year to be \$47,500.

The budget that was distributed to you breaks down all the cash disbursements by committee, by subcommittee. It also includes other things such as LCMT meetings and staff travel associated with lobster management.

What you will note is that it does not include a budget for the Lobster Management Board. That comes out of Jack's budget directly so that won't come out of this budget.

When we go through the process of figuring out how many meetings we think we need, how many conference calls and all the calculations, basically it breaks down to the fact that we will have \$15,000 left over this year.

So staff started working with the Research and Statistics Department to try and figure out if we could actually get a database initiative up and running. Is Lisa Kline here right now?

Okay, I'm going to turn things over to Lisa.

She is here this afternoon to brief you on the scope of work for a database development-type strategy, how this money is going to be used or we hope that it will be used upon your approval of this initiative and on what time frame. And once she briefs you, if you have any questions for us as staff, we'd be happy to answer them.

DR. LISA KLINE: Thank you. I'm just going to keep this relatively brief considering the time constraints here; and then if you have more detailed questions, I'll let you ask them.

Essentially we've been working with a subcommittee over the last couple of months to try to frame the purpose of the database and frame the scope of work and the time line for trying to get this database put together.

As Heather said, the purpose is to have a centralized database, bring in all the historic data, the key historic data that supports the assessment as well as period uploads of recent data, so it will be a very updated, very timely database that would support an assessment at any point in time, either an annual update or a full assessment, so we wouldn't have to go through the full compilation that we went through in 2000.

We fleshed this out in four steps. The first step is the basic definition of the central database, what data will go into it, what are the data sources, what are the standards for the data elements, what are the confidentiality protocols, kind of the overall business rules.

We worked with the subcommittee to determine whether or not we should use the \$15,000 to contract this work or whether the subcommittee would be comfortable with Commission staff facilitating this step one. T

hey decided they were comfortable with staff so I've assigned

Geoff White to work with the subcommittee just to do step one at essentially no cost, so the \$15,000 we still have set aside for some contractual work.

Step two would be to develop the high level design of the system based on the requirements that the subcommittee will come up with in the next couple of months, mainly mapping the data sources to the central database.

We estimate that step two would require about \$50 to \$80,000, and this is based on some discussions that I've had with ICF Consulting, who is the firm that's been doing most of the design for ACCSP. So these are just kind of very broad-based cost estimates at this point in time.

Step three and four at this point we have no cost estimates and we will not have those until steps one and two are completed. Essentially step three would put the details on the central database and create all of those details.

Step four would be the full system development and the implementation, including the migration of the historic and current data into the system and making sure that the whole system works and that we can get these periodic uploads into the database.

And, again, the cost estimates for these are somewhat uncertain. So, essentially those are the four steps. There are some long-term funding considerations in terms of Commission staff time. The central database will be held by the Commission.

The long-term funding considerations will be dependent on the database itself. Just to back track a little bit, the subcommittee has determined that they want an Oracle database. Because this is a high level database, of course, the cost of this is going to be somewhat high.

Again, just in terms of time line, we've been working with the subcommittee. They're going to meet next week with Geoff White for a two-day meeting. They'll start working on putting together the details for the fishery-dependent and fishery-independent data.

We're assuming that we can migrate a lot of the details for the fishery dependent from ACCSP. Standards are already developed so that might be a somewhat easy task. The fishery independent standards are going to have to be fully developed.

They'll have a second meeting in August and we hope to have step one finalized and approved by the committee in September. This should allow us at that point to move forward with a contract that we can issue either through an RFP or sole source to utilize the

\$15,000 and potentially any other funding the Commission may have to support this work.

So in the short term, that's where we're going with the subcommittee. We're also in the process of putting together a proposal for ACCSP funding to potentially support the long-term development of this database through 2002. And I'll stop there if there's any questions.

CHAIRMAN COLVIN: Thank you. What is needed in terms of Board action at this point is approval of the scope of work through phase one, which is the initial \$15,000 investment for the balance of this year based on the presentation that we have. And we won't go any further beyond that without additional Board approval down the road. Pat.

MR. AUGUSTINE: Mr. Chairman, I would like to make a motion as stated, that we accept the plan for the remainder of the year.

CHAIRMAN COLVIN: Phase one at \$15,000.

MR. AUGUSTINE: Yes, thank you.

CHAIRMAN COLVIN: Moved by Pat Augustine; seconded by Bill. Bill, did you have a comment as well?

MR. ADLER: Yes, Lisa, the bottom line, will there be some data to perhaps do some type of mini-update on stock within three years?

DR. KLINE: If we can get full funding to support all four steps then, yes. The estimates that we have -- if we got full funding, we could probably have a database developed in about a year and a half.

CHAIRMAN COLVIN: Further discussion on the motion? Take the question. All in favor please signify by saying aye; opposed, same sign; abstentions; null votes. The motion carries. Anything further on lobster database? Thank you, Lisa. NMFS status update, Harry, there's two items here.

MR. MEARS: Yes, two items, Gordon. The first, since our last meeting on May 24th, we published an advance notice of proposed rulemaking. This was an early call for public comments concerning Addendum II to Amendment 3 of the Lobster Plan; namely, setting the stage for a forthcoming potential for a proposed rule on the gauge increase, on expanding or delaying the stock rebuilding timetable that we discussed here earlier today and also other elements associated with Addendum II.

We continue to work on the proposed rule, going forward with recommendations from Addendum I. We hope to see that in print and

on the streets in the very near future. And one very important development in recent weeks has been the availability of a biological opinion on the lobster fishery.

And for a brief discussion or summary of that, I'd like to ask Patricia Lawson from our Protected Resource Office in Washington to give an update.

MS. PATRICIA LAWSON: The Northeast Region Protected Resources did a biological opinion under the Endangered Species Act and basically it has three components. One is the dynamic area management; another is seasonal area management and gear modifications.

Does everybody know what dynamic area management and seasonal? Okay, just a brief explanation. Dynamic area management is where "X" number of whales will be present and there will be a short-term closure of approximately 15 days.

Seasonal area management is a predetermined closure from the history of sightings of the whales. And this will be proposed in a proposed rule that will be published by September 30th. There will be a 60-day comment period and a final rule will be published December 31st of this year.

MR. ADLER: I heard that word I don't want to hear, closure. You mean that we discussed, the Take Reduction Team, the restrictions. You can fish there but under those restrictions we worked out. Is that what you're getting at?

MS. LAWSON: With whale-safe gear.

MR. ADLER: With whale-safe. Oh, thank you. Just don't use that other word.

CHAIRMAN COLVIN: Are there other questions? David.

MR. SPENCER: Yes, are there similar studies going on regarding the majority of the whale deaths in terms of shipping? Is there a focus by NMFS to have some sort of study on that?

MS. LAWSON: Yes, there is. We have a ship reporting system out there now and there is someone that's been actively working on that.

CHAIRMAN COLVIN: Pat White.

MR. WHITE: Just a quick question. At the TRT meeting it was discussed, instead of whale-safe, that it was going to be risk-averse gear, did that get switched?



MS. LAWSON: Not that I'm aware of.

CHAIRMAN COLVIN: John Nelson.

MR. NELSON: I was just intrigued that we were going to have a ship reporting incident system in place and two questions. One is do we have any reports yet of ship strikes, and did anyone accept responsibility for the one that was struck off of, wasn't it New York, the young whale that was killed off -- the right whale that was killed off New York about a month ago?

MS. LAWSON: If you want to discuss the ship strikes, I would recommend that you call Gregory Silver at Headquarters and I can give you his --

MR. NELSON: No, I was just wondering have we had any reports yet?

MS. LAWSON: I'm not familiar with that.

CHAIRMAN COLVIN: Bruce.

MR. FREEMAN: A question I ask relative to your comments -- and I'm involved with the Middle Atlantic area and I realize that the problems that occur in the Gulf of Maine with whales are somewhat different, but if you're indicating there's a closure for two weeks either in the lobster fishery or in the sea bass fishery, it takes fishermen three weeks to get the gear in the water and three weeks to retrieve the gear.

So there's concern about closed areas, how they're going to operate and whether in fact if necessary in the Middle Atlantic or it may not apply at all, but if it does, how is this going to operate?

MS. LAWSON: Basically we're hoping that we're not going to have to do too many dynamic area management. We're hoping that the seasonal area management will cover a majority of that. But the dynamic area management, the lobster gear, the lines will be reduced by 50 percent and we're going to also require that gillnet gear be removed within 48 hours.

MR. FREEMAN: Do you have enforcement to do all this?

MS. LAWSON: The same enforcement that we have been using.

CHAIRMAN COLVIN: Anything further? Thank you very much. We are into other business. I'm going to recognize George for a brief update on U.S./Canada.

MR. LAPOINTE: It will be very brief, Mr. Chairman. I have not met with the Canadians yet; I will do that before October.

CHAIRMAN COLVIN: Thank you, we look forward to that. And the last item I have, Bruce, is a New Jersey recreational lobster pot report.

MR. FREEMAN: There is a one-page document you can read at your leisure. As I indicated earlier, we're in the process of implementing recreational restrictions much more onerous than what presently exist under the plan.

We really don't need approval by the Board. Nevertheless, because of some of the difficulties we experienced in states doing things in other locations and other plans, I just want to be very clear what we're doing, and essentially this is one of information.

CHAIRMAN COLVIN: Any questions for Bruce? Is there any further business to come before the Lobster Board? Ritchie.

MR. WHITE: Dave Borden suggested to me that it would be possible for the Board to instruct the Technical Committee to vote either yes or no and no abstentions, and I just wondered am I alone in that feeling or is there any other support for that?

CHAIRMAN COLVIN: I view that as a question to the Board. Does anybody want to address it or do you want to chew on it and --

MR. LAPOINTE: Mr. Chairman, Chairman Shipman has tasked a number of people, including myself, to review how the Technical Committees operate across the board with the Commission, and that should just be one of the agenda items for that group rather than addressing it in the context of lobster.

CHAIRMAN COLVIN: And I see the Commission Chairman acknowledging that recommendation and we will so proceed. Is there further business before the American Lobster Board? Is there objection to adjournment? We stand adjourned.

(Whereupon, the meeting was adjourned at 3:25 o'clock p.m., July 17, 2001.)

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