

ATLANTIC STATES MARINE FISHERIES COMMISSION

AMERICAN LOBSTER MANAGEMENT BOARD

Radisson Hotel                      Alexandria, Virginia

August 24, 2000

THURSDAY MORNING SESSION

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The American Lobster Management Board of the Atlantic States Marine Fisheries Commission convened in the Washington Ballroom, Radisson Hotel, Alexandria, Virginia, August 24, 2000, and was called to order at 8:30 o'clock a.m. by Chairman Gordon Colvin.

CHAIRMAN GORDON C. COLVIN: I'd like to call the Lobster Board to order. Good morning. I'm going to ask Amy to begin by calling the roll.

(Whereupon, the roll call was taken by Ms. Amy Schick.)

MS. AMY SCHICK: You have a quorum.

CHAIRMAN COLVIN: Thank you, would everyone please turn to their agendas. I do have one clarification or addition to the agenda.

Following Item 8, the PRT Report on Management Implications of Stock Assessment Peer review -- you can call it Agenda Item 8A, if you wish -- there will be a discussion by the Board on the directions to the PRT for the development of Addendum II.

It will be my expectation to try to get at least to the beginning of 8A by lunchtime, possibly break at that point and conclude action on 8A and the rest of the agenda after lunch.

I'll expect to take a checkout break somewhere around 10:30 or 11:00 o'clock. Are there any other additions or changes to the agenda?

MR. PATTEN D. WHITE: Gordon.

CHAIRMAN COLVIN: Yes, Pat.

MR. WHITE: Later on under Other Business, I'd just like to state a clarification for the record of statements that were made by Patricia Lawson yesterday.

CHAIRMAN COLVIN: Any other items? Is there objection to proceeding on this agenda? So ordered.

We'll turn next to the minutes of the June 2000 meeting. Are there corrections or additions to the minutes? Motion to approve?

MR. WILLIAM A. ADLER: I make a motion to approve.

CHAIRMAN COLVIN: Bill Adler; second, Pat White. Any objection to the motion? Without objection, the minutes are approved.

The next agenda item is public comment. Is there any comment at this time from any members of the public or guests at our meeting on general issues? Seeing none, of course, we will take comment as appropriate on individual agenda items.

The next item, Review Trap Tag Program with Stoffel Seals, Ralph Mallozzi. Amy, do you want to introduce that, please.

MS. SCHICK: Sure. This is the first year of the Coastwide Trap Tag Program. It should have gone into effect June 1st in all the states. It was a part of Addendum I, and it's the first time we've had a program like this.

Knowing that there would be some trial and error to the program, it was requested by the Board and by Stoffel Seals to have a review prior to the second fishing season to work out any problems with the Trap Tag Program prior to starting the second season.

So, Ralph Mallozzi from Stoffel Seals is here today to share some comments with you and mostly to provide board members an opportunity to raise concerns that they have about the Trap Tag Program and how we can streamline the process or address some of the problems that each state has encountered to date with the program.

An e-mail went around from Ralph Mallozzi with some of the concerns that he's probably going to present today, and there was also an e-mail passed around this morning from Bob Ross, and that raises some other concerns, additional problems, that were encountered with the Trap Tag Program this year. So, I'll turn it back over to the chairman.

CHAIRMAN COLVIN: Thank you. Ralph, the floor is yours and thanks for joining us.

MR. RALPH MALLOZZI: I want to thank everybody first from all the states and the different organizations for helping us to help you guys make this program what I think was fairly successful.

Really, my intention here today is to kind of get general feedback from each of you in regards to problems and things that worked, things that didn't work with the program on a level where we can help make adjustments for next year's program so that -- I know the goal for this is to have some kind of commonality throughout the whole system.

Really, that's the whole point of my being here. I have a few issues that I think are relatively minor in regards to what Stoffel Seals would like to see. More, I want to see what you'd like to see from Stoffel Seals and from the other different organizations that we could all do together.

My first issue is in regards to fishermen ordering tags. And this is something I think you're going to all have to go back and look at in your states in regards to rules and regulations, but credit card minimums.

We've been able to adapt our machinery to produce small orders of eight and five tags, depending on what the

fisherman is ordering. And we wouldn't expect that somebody was forced to order more tags.

However, for us to process an order on a credit card for such a small amount becomes quite difficult. We're not a retail outlet, so we don't have the type of equipment and setup to do that.

So, what I'd like each of you to think about and find out is according to your state rules/state laws, can we limit, in a program like this, the amount of money someone is spending on a credit card to \$20, or if there's some other acceptable minimum, get back to us and let us know that.

The second is something that -- and all of these were in my e-mail -- the second is something that I talked about in the beginning -- and it's in the ASMFC agreement -- it is for tag production, when we're going to send an order out based on when it was received.

I believe that was 21 days, and for the most part we stuck to that. But the problem exists in somebody saying they sent their order in and there being no way to say, "Well, yes, that's when you sent your order in", other than it's our word versus a fisherman.

Where we're all reasonably honest people, it's not really acceptable for us or for the fishermen to just have an ongoing argument, "This is when I sent my order in. I need it right away."

And then we end up having to drop everything and move things around on the schedule and it affects the rest of the entire fishery.

So what I'd like to do is have a strict -- if your order is received by here, it's shipped by here. We've done that with Massachusetts since they started their program and it's always worked pretty well.

We did it with Connecticut pretty well. We didn't do that across the whole board. But if we do that, it'll be more likely that every fisherman within every program is going to get their tags in their expected time of when they send it in.

The third one is tag lists. We receive tag lists from the different states and NMFS. In the first year I understand that you had to gather information. And, where in NMFS and Rhode Island we would receive eligible fishermen lists and then receive updates on those lists, it makes it very difficult to make a fisherman happy when he sends his order in, and then we don't have anything backing him up and we just kind of have to hold on to it.

And to be honest with you, it's really not good to hold on to people's money for two-three weeks before we find out that they're eligible. If there is a way to have a list of these are all the fishermen; these are everybody who's eligible from the inception of each season, it would really streamline it a lot for the fishermen, because we'll end up holding orders for three, four, even five weeks at a time sometimes.

One thing -- and I think this is something that is more for everybody to think about; I know you all have in the state programs -- is non-commercial tags, having that be a more formatted way for each state if it can be the same.

We had some difficulty with some non-commercial issues in regards to the state of Connecticut as far as being able to send out orders, having the program ready from the beginning.

If there's a way that the state can take that over in every case, it would really be best for Stoffel, for the state and

for the fishermen.

One issue that everybody has brought up and that we're working on now -- I expect to have samples for everybody by the beginning to mid-fall -- is stronger tags.

I know that has been an issue before. Briefly, if you all remember the tag, to make the tag stronger, we could probably make it about 20 to 30 percent stronger as far as when you're pulling it apart.

One of the issues is that people say, "Well, when I power wash my traps, the tags fall off." You could put a power washer up to the hull of a boat and it will go right through it.

There's no tag we're going to make that's going to stop that. So we can make the tags stronger so it isn't accidentally ripped off, and I expect to have that done before the next season starts.

You'll all have samples to approve. But there won't be a way, barring turning the tag into metal -- which I still don't think if somebody power washed it would really do the job, that the tag won't come off in that instance.

The final one that I think is just something that we've seen -- a lot of people complained to us; we talk to the fishermen on a daily basis -- is wondering why in NMFS program you pay one price and in a state program you pay another.

If there's a way to adjust that so that everybody is paying the same price, I think for your benefit -- I'm sure you've heard it; we hear it every day, "Why is it that way?" That would make things, I think, run a little bit more smoothly.

That's about it from my point of view I need to address, and I'd kind of like to ask that various states to bring up points for me.

CHAIRMAN COLVIN: Thanks, Ralph. Before we do that, I wonder if Harry or Bob would like to take just a couple of minutes and briefly run through the issues in their memo. Then we'll open it up to any questions or comments by any of the states.

MR. BOB ROSS: Basically, we generated this e-mail to, as Ralph indicated, generate some discussion on the first year's performance of the program. I guess boiling it all down, we would hope that the Board would reconvene some type of tag working group to resolve some of the issues we've identified here.

Some directly involve the vendor, others involve our agreements with the state agencies. I'll go through the shopping list briefly here. Basically, as far as data consolidation, as you know we have approximately 34 federal permit holders, most of which also have state licenses.

Under our agreements, our MOUs with most states, our permit holders can purchase their tags either through the federal government, through our program, through Stoffel or through their state.

I think one of the major benefits of having a single vendor would be the ability to consolidate the information. Basically, we're recommending that some of the onus of monitoring the program go to the vendor.

We would like to be able to have, if possible, one unified list of all trap tag holders; and as part of that, obviously,

it would also benefit any state or technical committee or federal analysis regarding number of participants who have elected into different areas regarding the number of if not traps, at least the number of trap tags they have purchased, so that in the future we could more easily run analyses on where at least tags are being concentrated.

In addition, as Number 2 indicates, we're having, I think, fairly minor but some concern about double-tag ordering given the fact that the way the program works now, each state or NMFS sends their information to Stoffel and receives information back from Stoffel, but it's potentially possible that permit holders could purchase tags, double-tag orders, going through the state as well as going through the federal government.

Again, I think one of the benefits to having a sole vendor would allow for real-time error checking of the process. The way it is now, under these agreements there's a data exchange between the states and NMFS, but it occurs after the fact, after Stoffel has sent their information to us or to the individual state.

A working group could further discuss these issues, but one fix could be to have a unique identifier that identifies federal permits holders. That could be the federal permit number and potentially have the state ask for that information from their permit holder and include that information on the data that is flowing to Stoffel Seals.

That would allow the vendor to track the process more closely. Replacement tag orders, we've heard a lot of recommendations on this issue. I think that, again, we may want to have further discussion of this issue by the key states to standardize the process.

Some states are allowing a full set of replacement tags to be held on hand. Some are issuing their replacement tags, or have a supply on hand for the fishermen that come in. Under our program now, they would have to order these replacement tags through the vendor.

We'd just like to discuss some process to try to streamline and standardize replacement tag orders. Again, highlighting this issue of analyses and information, it would be nice to have some type of a summary report; again, number of fishermen electing into different areas, number of trap tag orders, customer service.

I think Stoffel Seals has done an outstanding job, given the flood of demand which usually concentrates early in the fishing year.

But, as time goes on, I know we've had issues with problems from fishermen getting Stoffel to respond back to them. I believe at this time there's only an answering machine where fishermen can leave their name and someone would get back to them from Stoffel.

I guess we would like Stoffel to more aggressively address this issue in the future. Again, a working group or whatever could further resolve these issues; but some type of Web-based information that a fisherman or a state or federal agency could go up to and see if an order has actually been sent out or some kind of interactive voice-response system where a fisherman could enter whatever information and be told if his order has been received, if it's been sent out, whatever.

We agree with Stoffel Seals on the trap tag pricing issue. Again, we're dealing with this tag replacement procedure. One issue we have, also, is information on the trap tags themselves.

I think that the ISFMP, Addendum I, clearly identifies what information is necessary on the tags to facilitate either at-sea or dockside enforcement. Given that this was the first year of the program, there were inconsistencies.

Again, some further discussion would further standardize information to facilitate enforcement, and we'd like to pursue this avenue more. I think those are our key points at this time.

CHAIRMAN COLVIN: Would any of the state programs that have experience with the trap tags issuance like to offer any comments themselves on how things have been going at this point? John.

MR. JOHN L. NELSON: Going fine, Mr. Chairman, thank you.

CHAIRMAN COLVIN: George.

MR. GEORGE LAPOINTE: There are certainly some issues here and particularly on the double-tag ordering issue. In the state of Maine we offered to basically run the trap tag program except for that small number of people who don't have state permits but have federal permits.

We discovered, along with NMFS, that, in fact, they caused the double tag problem by allowing -- their legal folks did an analysis that said they have to issue federal trap tags to federal trap tag holders even if they aren't eligible under state law.

So I would encourage NMFS to go back and look at that so that, in fact, we eliminate what is a double-tag order which causes pricing problems as well as enforcement problems in the state of Maine.

So, I think we all need to look at our procedures to make this as efficient a process as possible.

CHAIRMAN COLVIN: Jim.

MR. JAMES J. FAIR, JR.: I think it has been working pretty well. We're in our third year now and I think, as we go along, we're solving a lot of the problems. The addition of the federal tags this year was a new problem for us.

We're still trying to deal with that. We're sharing lists with NMFS, and as time goes on I think we'll weed out anyone that has actually managed to get two sets of tags. The problem occurs because both state tags and federal tags are good in either jurisdiction, and we can't live with that anymore.

We're going to have to come up with a way to make sure that people get one set of tags, and it's either something that's good in both jurisdictions or in one or the other, but not both.

I mean, it should be a different tag for the EEZ, either a designation on the tag or a different color or something like that so that people that don't have a state license won't be able to use those tags in state waters.

CHAIRMAN COLVIN: Thank you. Mark.

MR. MARK GIBSON: The few problems that we've had largely stem from what was an open license structure in Rhode Island that has been recently closed by legislative action which imposed a one-year moratorium.

In the intervening period, there will be a study commissioned to talk about what the Rhode Island licensing structure should look like and how it should be capped. Up until June, it was effectively an open license structure and we had a trickle of new licenses being sold, new people coming in which were unaware of the requirements.

So, we were in a situation where we had made a major effort to notify all existing license holders and then there would be new people trickling in. So, we have some people that are behind in terms of processing orders. But it's largely a problem of our own doing and we're trying to catch up with those people.

MR. WHITE: Do we have questions now?

CHAIRMAN COLVIN: Sure. Let me just say at this point, you know, my expectation will be that we'll task the staff to work along with this list of issues that has been identified -- and if anybody wants to volunteer to help Amy out on that, I'm sure that would be welcomed -- and to come back to us at our next meeting with some suggestions about what directions we ought to take in terms of our overall agreement with Stoffel and overall administration of the program to address the various issues that have been raised.

I don't see us as needing or perhaps even able to take action on any of this in a short-term basis, but I'm pretty confident that with some staff work we can have some recommendations on how to improve things as time goes by.

With that, are there questions? Pat.

MR. WHITE: Yes, I guess I have a question for Harry or Bob, because we had talked about it several months ago, and the issuance of tags to people that are on a more restrictive basis in the state of Maine, and I think the answer was that this was had been reviewed legally and you were under an obligation to do it.

Is there anything in the near future that you foresee that will change that or is that something that we have to do here? You know, I think the double issuance is just a communication problem that will have to be worked out with Stoffel, but this other thing where we have more restrictive regulations, obviously, takes some sort of action then on somebody's part.

MR. HARRY MEARS: It's a bothersome issue, Pat. It's certainly one we didn't anticipate up front. I would reiterate what Bob said, I think all things considered, the degree we were able to implement the trap tagging program, especially in those cases where we were able to enter into MOUs with the states, went amazingly well.

Nevertheless, single and unique situations do occur. And certainly, one of these is that occasion where a lobsterman is operating in both state and federal waters and there are potentially more restrictive regulations.

In this case, the case that Pat is referring to was a case in Maine which had more restrictive regulations imposed upon that permit holder, who then came to the National Marine Fisheries Service and petitioned that on the basis of federal regulations, that individual had a right, as any other federal permit holders, to order up to a certain amount of tags up to the maximum allowed.

And as reviewed by our legal counsel, the fix -- call it a fix -- was that certainly the petitioner had a case that, indeed, based upon federal regulations, they could, indeed, purchase up to the maximum; but, nevertheless, according to federal regulations, had to abide by the more restrictive of either federal or state regulations when they actually applied those traps and fished those in the water.

So, here was a case where an individual can acquire a number certain up to the maximum allowed of tags, but yet when interpreting both the federal and state regulations, indeed, could only fish a proportion of those tags.

And I agree, it's a disconnect. It's an uneasy situation. I certainly don't like to be in this situation. But I've been told that there's no way out of this predicament at least at the current time.

CHAIRMAN COLVIN: Bill.

MR. ADLER: I'm glad you mentioned the double-tag thing because that was definitely a problem where you said that -- in the letter, you said to the fishermen in Massachusetts that good news, you don't have to buy the federal tag if you have bought the state tags.

Of course, the fishermen didn't look at it like good news. They go, "Oh, I can have another set?" So, the fact that the information on those tags were different, the state had a different number than the feds, and the name was on the state and not on the feds, and I was hoping that there was this cross-check going on so that the double tags would not go out this year.

We have an enforcement problem -- but that's another story -- on the tags and it's causing a lot of consternation among the fishermen who want -- who want the trap tag program enforced.

One of their biggest problem is not that there is a trap limit and that there is a trap tag thing, but they want it enforced effectively, and they consider it to be pretty much of a joke right now because of the numbers of traps that can go out and the enforcement and the number of tags and how they can get tags and there's no problem getting tags and all this stuff.

I wanted to ask Stoffel; another question was one of the other schemes which was brought to our attention this year was the fact that they would call up and say that they never got their tags, and then with some letter that they could write, they could get another set of tags.

There was no way of proving that they had or hadn't received those tags. I didn't know if that had been fixed, because I think pretty much they just get shipped, just mailed?

MR. MALLOZZI: Well, depending on the size of the order, it's mailed UPS, however, it may be -- if it's a small enough amount, that was a problem. If somebody said; for instance, if somebody ordered 1,100 tags and said, "I got none;" well, I know 1,100 tags goes by UPS and I trace it.

So then I know definitely where the tags are. If somebody says, "I was shorted 10 tags", well, there's no way for me to tell by weight because it's too small.

So, that's why this year we added consecutive numbers to those tags. Then on the lists that we send back to the states, we report on that, that they were sent an additional ten tags and the numbers pick up from a following sequence so that if someone -- there's no way to say those ten tags were missing other than his word, and he has to send something to us in writing, yes.

But then he doesn't have those same numbers. So, if he were to be caught with the permit numbers that were missing, because he has to tell us that, then he's cheating the system.

MR. ADLER: Okay, good. I want to go back to the bigger number. So you're saying that you can trace that that individual did receive the shipment UPS --

MR. MALLOZZI: Or did not.



MR. ADLER: -- or did not?

MR. MALLOZZI: Right.

MR. ADLER: And did all of them go UPS?

MR. MALLOZZI: No. On, say, a thousand, that will go UPS, absolutely, unless it goes to a rural route post office box.

MR. ADLER: In which it goes U.S. mail?

MR. MALLOZZI: Then it has to go U.S. mail.

MR. ADLER: Okay, so, anyway, I don't want to belabor this. So the idea was that we need to be looking out for the possibility and have a way to check whether the individual received that box or not?

MR. MALLOZZI: Right.

MR. ADLER: I'm not concerned about the ten tags. You've got that pretty much under control, but that was a glitch which seemed to develop. I think it could be solved, but that is a glitch that needs to be checked. So maybe you've got it under control now.

MR. MALLOZZI: Well, I'd love to say that we have every box that goes out under control. Unfortunately, a lot of times we trace a shipment "left on front step," "left on front step." "Well, I never got it."

MR. ADLER: Yes.

MR. MALLOZZI: In those cases, we contact the proper state. If someone says it was left on their front step but we didn't have it, before we send them anything, if we sent out 1,100 tags, for all intents and purposes, they were received at that address.

Then we're going to ask. We're not going to just let it, "All right, we'll send you another 1,100."

MR. ADLER: Okay, yes, put them through some --

MR. MALLOZZI: Right, we don't just say, "Okay, thanks, We take your word for it."

MR. ADLER: Okay, good. Thank you.

CHAIRMAN COLVIN: John.

MR. NELSON: Mr. Chairman, I did make my brief statement; I'll make this also brief. I would say for those states that were involved in this for the first time, that we found that working with Stoffel worked out very nicely.

Questions that came up that we hadn't anticipated or they hadn't anticipated, most of the time it took a phone call. There has been a good cooperation between the federal agency and the state and Stoffel as far as checking and

cross-checking.

In our experience, very recently, about two weeks ago, I had my staff do a cross-check to see who got what as far as tags. We found three individuals who made a mistake, and we corrected that.

So, that's why my first comments were I think it's worked pretty well. You know, there's been good cooperation amongst all parties. So, whatever aspects need to be worked out, I would think if we need a working group that's exactly what we should do. Thanks.

CHAIRMAN COLVIN: Thank you. Mike.

DR. MICHAEL A. RICE: Thank you, Mr. Chairman. Is there a periodic process of bidding by companies on the tag manufacturer at which any sort of specifications that this body or the states or NMFS should put on things could be put into the bid process?

MS. SCHICK: When we first developed the trap tag program, the Commission went through a bidding process and sent out a product specification of what we wanted on the trap tags.

Right now the states are working with Stoffel Seals. The Commission has signed an agreement. There's no plan right now to go back out for bids. It's something that if there were changes that we would like to make to the system, Commission staff can work with Stoffel and the states can work with Stoffel.

If there's a desire by this body to go back out for another bidding process, the Commission could do that as well.

CHAIRMAN COLVIN: I think it's fair to say that most of the states, though not all of them, are operating under the terms of the overall agreement that the Commission negotiated with Stoffel and that those terms could be changed/renegotiated over time to address issues that arise in this kind of a dialogue or arise in the context of the staff analysis we're asking for.

They're likely to have implications with respect to the performance of the program and possibly the cost of the program in the future. I think we all understand that. Pat.

MR. WHITE: Just one last issue that I had was talking about standardizing the pricing, and I guess that concerns me because I understand the situations in states are different, and I feel the state of Maine reaps a great benefit from having, I guess, what would be called an "increased price" that we, as fishermen, pay for these seals but feel it's well worth it.

And to standardize it, either somebody is going to pay more and not get a benefit or it's going to impair what we're trying to do in our state. If the price is standardized to the states, that might be -- I'm not sure exactly how it was phrased, but --

MR. MALLOZZI: I apologize. I meant except for Maine. The program is run differently. I mean standardize the pricing for the programs that we do a lot of the administration for. Since Maine handles all of that, I'd leave Maine out. I apologize.

CHAIRMAN COLVIN: Always an exception.

MR. NELSON: Could we leave them out altogether?

CHAIRMAN COLVIN: Jim.

MR. FAIR: Thank you, Mr. Chairman. Yes, the pricing problem that we had was because we already had an existing contract with the company and obviously the National Marine Fisheries Service had a different contract.

So, that's why we had a problem. I'd just like to ask Ralph, have you looked into a unified list? I think it would be fairly simple to add a couple of more columns on your spreadsheet so that we could do a cross-walk here.

MR. MALLOZZI: Yes, I know that you're going to have to put a group together to do it, but I could tell you, putting a unified list together would be a day or two, somebody spending some time on Excel.

The only thing that we would need to do it would be complete lists from every organization with every fisherman, their license, their address, and everything so that we could go ahead, sort them, put them back together. Then we'd have to go through, basically, I don't know, 10,000 fishermen to make sure there are no duplicates and that John Smith is the same John Smith on every line. I think that would be relatively easy and we would have no problem with it.

It would just mean that updates from different organizations would have to be given on really only for when someone transfers a license, somebody gets a new license.

We wouldn't be able to take big chunks and keep dropping them in. It would really confuse the lists, especially if somebody's trap limit was extended to a different number. But we would have to get those all before Maine and Massachusetts' season started.

Really, Massachusetts because your season is going to start before everyone else's but your names are going to have to be on that unified list. But, no, that wouldn't be a problem at all.

CHAIRMAN COLVIN: Seeing nobody else's hand up, I think what we'll do is we'll proceed at this point, as I indicated, to ask Amy to work with Ralph, and anybody who volunteers to work with her further to come up with some recommendations to be presented at our next meeting on addressing the various issues and any other issues that may come to their attention with respect to trap tag program administration.

Ralph, thank you very much for coming down and being here with us. We appreciate that.

MR. MALLOZZI: I appreciate it. And one last thing, if I may? In regards to Stoffel's customer service, if anyone ever has a problem, we need as much feedback about it as possible, whether it be the answering machine, that's intended for use during the rush times.

And you're right, it shouldn't be used now. But please don't ever hesitate to let us know because we can't improve on it unless we know immediately. You know, you guys are all our customers, so are all the fishermen who are basically kind of like your customers.

We're only going to help them if we know right away. So, thanks for allowing me to come today.

CHAIRMAN COLVIN: Thanks, Ralph. The next issue will be the PRT report on state compliance. Amy.

MS. SCHICK: The Plan Review Team went over the state compliance reports. The compliance reports had been submitted back in the spring, and the Board had requested waiting until we had a Plan Review Team formed before we went through all the reports.

So, over the last month the PRT went through each of the state reports looking into compliance issues. There was a report included in the packet of materials that was sent out to everyone.

I'm going to just hit the highlights and assume that everyone has had an opportunity to read that report and any of the other issues that are included in it. I'm going to focus on areas of concern and compliance issues that the PRT found.

In terms of general recommendations, the Plan Review Team would like to see additional information included in the state reports. And it's very minimal, the information that would be useful.

One would be an estimation of effort. Since one of the goals of Amendment 3 is to control effort, some idea of the number of participants or licenses issued as well as the number of trap tags issued would be useful to begin tracking effort in the fishery.

And the second would be to have landings estimates for the most recent ten years by gear type. We usually get one year of landings, and it's hard to line up which were the year before or two years before.

And it would be good just to have the table laid out so we can start compiling a list of landings over a time period to view trends by individual states.

In terms of a summary by state, the states that the Plan Review Team found to be effectively implementing enforcing all the required provisions of the FMP are the states of Maine, New Hampshire, New Jersey, Delaware, Maryland, Virginia and North Carolina. So I won't be going through each of those reports individually.

What I'm going to go ahead and talk about are the states that had areas of concern or compliance issues, and that's Massachusetts, Rhode Island, Connecticut and New York. And then I'll also highlight the de minimis states, Delaware, Maryland, Virginia and North Carolina, who all had landings below the de minimis criteria.

In Massachusetts there are a few areas of concerns that were brought up. One was the enforceability of the maximum size. Since there is a maximum size in Area 1, which is just one of four management areas in Massachusetts, the Plan Review Team discussed the enforceability of having a maximum size in just one area of Massachusetts' state waters.

The second was reporting of landings from recreational divers. It was the PRT's understanding that there are a large number of divers, and those landings aren't being reported in the total landings and that may be a significant impact.

And the third area of concern was the enforcement of V-notch protection. In the Massachusetts regulations for V-notch protection, the regulation reads that "it shall not be a violation if V-notched female lobsters are immediately returned alive and undamaged to the sea or are relinquished alive and undamaged to an environmental police officer."

The PRT felt that this enforcement policy will not effectively protect V-notched lobsters. In terms of compliance issues, Massachusetts has a regulation in place for a recreational trap tag requirement.

However, due to problems with getting the regulation in place to collect fees for those recreational tags, that has not been implemented.

The PRT recognizes that there are good faith efforts by the state to implement these provisions of the FMP -- and I'll get to this next -- but the PRT recommends giving them a year grace period until they can get that regulation in place.

The second issue is implementing the tagging requirement for all tags aboard a vessel. And this will be brought up for Massachusetts as well as New York and Connecticut. The issue here is that the Enforcement Committee made comments that a trap tag program is difficult to enforce in the water.

There are not many states that have the abilities to haul traps and make sure that there's a tag in all those traps. So, one of the easiest ways to enforce the trap tag system is that all traps aboard a vessel be tagged.

The regulation in Massachusetts states that it's unlawful to fish lobster traps without a valid tag, but that does not cover requiring a tag aboard a vessel.

So, in terms of recommendations of the PRT for action by the Board, the PRT recommends that Massachusetts is not fully and effectively implementing and enforcing the Lobster FMP for the following reasons: the implementation of the recreational trap tag requirement and the PRT recommends a one-year grace period for that to come into place.

The second is implementation of a requirement for tagging of trap tags aboard a vessel; and the third is enforcement of the protection of V-notched lobsters.

In Rhode Island there's a compliance issue. This is a motion tabled from the June 2000 meeting. It deals with the withdrawal of the limits on non-trap gear, and it's my understanding that the state of Rhode Island has withdrawn that regulation and there are no longer limits on non-trap gear.

The recommendation for action by the PRT is that if the limits on non-trap gear were repealed and new regulations are promulgated, that the PRT recommends a finding of non-compliance as this is a mandatory measure of the FMP.

CHAIRMAN COLVIN: Amy, just for the record, it will be the Chair's intention to rule that motion back on the table at the conclusion of Amy's oral report.

MS. SCHICK: In Connecticut -- I brought this up under Massachusetts as well -- the issue of a trap tag requirement. The Connecticut regulation is that no licensee shall fish any pots unless it is affixed with a trap; however, the PRT felt that it was unclear that that meant all traps aboard a vessel must be tagged.

Again, since Law Enforcement recommends this as the best way to enforce the trap tag limits, the recommendation by the Plan Review Team is that Connecticut is not fully and effectively implementing and enforcing the FMP in that implementation of the tagging of traps aboard a vessel is not in place.

The next state report is New York. It's the same issue with the tagging aboard a vessel as Connecticut and Massachusetts. I won't go into that. The second issue is dealing with the circular escape vent.

Addendum I implemented a 2-7/16th inch circular escape vent, and New York's circular escape vent is 2-3/8. So the Plan Review Team's recommendation is that New York is not fully and effectively implementing enforcing the Lobster FMP in that the implementation of the tagging requirement of traps aboard a vessel is not in place, as well as the circular escape vent is smaller than the requirement that is in place for Addendum I.

I just wanted to highlight, for the New Jersey compliance report, the PRT found that they are effectively implementing enforcing the FMP; however, the PRT notes that the Board did exempt New Jersey from implementing portions of Addendum I until September of 2000.

This was pending federal regulations being put in place since the majority of their fishermen fish in federal waters, and there is an inconsistency between Addendum I and the federal regulations that are in place right now.

The PRT recommends that New Jersey's regulation should be reviewed in October following the expiration of this exemption. In terms of the de minimis states, the criteria to apply and be granted de minimis states is commercial landings averaging less than 40,000 pounds during the two most recent years.

The PRT recommends that the states of Delaware, Maryland, Virginia and North Carolina be granted de minimis status for this fishing year. Each year the states will have to reapply for de minimis.

The PRT felt all the de minimis states were in compliance with the FMP. But it's important that we bring to your attention Addendum I requires that de minimis states implement Section 3.1 of Amendment 3, which are the seven coastwide requirements of the fisheries management plan.

Virginia and North Carolina have not implemented all of these provisions; however, the Plan Review Team felt that the states have a minimum commercial lobster fishery, and that there's little risk to the health of the lobster stock if the state does not implement the full suite of management measures, and the overall burden of implementing these complete management and monitoring requirements of the FMP outweigh the conservation benefit of implementing those measures in both Virginia and North Carolina.

Therefore, the PRT recommends that these states are in compliance in implementing and enforcing the FMP as required. That concludes my report, Mr. Chairman.

CHAIRMAN COLVIN: Thank you. As I indicated at the conclusion of this report, I think the first order of business consistent with our agenda is for the Chair to rule that the motion previously tabled is back on the table for discussion.

Do we have that motion to be projected? I want to ask the folks from Rhode Island for an update on the status of the matter. Mark.

MR. GIBSON: Okay, the notorious 100/500 mobile gear provision was, in fact, rescinded by our Marine Fisheries Council effective June 29, 2000. I would just add that it was rescinded over the objections of my Division and the Department.

Director Wrightsmer declined to sign the regulation. He felt it was inconsistent with his responsibilities as

Director to administer the provisions of an operational and recognized fishery management plan.

Nevertheless, our Council moved ahead, anyway. Evidently, there is a procedural way in which a majority of the Marine Fisheries Council who had supported the action can in fact file a regulation with the Secretary of State on their own without the Department's support. That, in fact, was done and it just appeared June 29.

CHAIRMAN COLVIN: Thank you. Are there any questions? Mike.

DR. RICE: And I may add to that that the rationale behind this is that there is no particular limits on landing in terms of traps, and the Rhode Island industry feels that it is highly discriminatory based on gear type.

CHAIRMAN COLVIN: Are there any questions for Mark or Mike? It's, therefore, in order to consider the motion on the table. Joe, do you need the motion read? I'll read it:

"Move that the American Lobster Management Board recommend to the ISFMP Policy Board and the Commission that the state of Rhode Island be found out of compliance with the provisions of Amendment 3 to the American Lobster FMP in that it has failed to implement and enforce a required provision of the FMP, viz., the requirement to establish non-trap gear limits (100/500 lobster possession limit); and that to come back into compliance, the state of Rhode Island must reinstate the said possession limits."

Discussion on the motion. There being no discussion, we'll take the question. I'll give you about 10 or 15 seconds to caucus. Are you ready to vote? All in favor, please signify by raising your right hand; opposed, same sign; abstentions; null votes. The motion carries.

Now, are there other actions or questions with respect to other provisions of the compliance report? Ernie Beckwith.

MR. ERNEST E. BECKWITH, JR.: Yes, Mr. Chairman, I was going to ask if you were going to give the states that have a problem the time to answer some of those --

CHAIRMAN COLVIN: If they wish to.

MR. BECKWITH: -- concerns that were raised?

CHAIRMAN COLVIN: By all means.

MR. BECKWITH: Okay, since I have the microphone, I'd like to do that. We had put our lobster regs in place in a two-part process to meet the mandatory deadline. We had to use a fast-track process and that's what the PRT looked at.

We also moved to make those regs permanent. In the temporary regulation, we did cover that issue of not allowing untagged traps on the vessels. Unfortunately, the way we did it was probably not easy for the PRT to find.

As Amy pointed out, it says in that section that you cannot fish an untagged trap. We also have another section that is a definition section that defines fishing as transporting also, so that covered that.

But, anyway, at one of our public hearings, an issue came up with our regs, and we had to actually change that section. So we did insert more clear language. And the final regulation which currently is in effect -- in that same section that the PRT did reference in their report -- clearly states "on or after June 1, 2000, no licensee shall fish any pot unless it is affixed with a tag."

I have copies of both of those regs, Amy, with those sections highlighted and I'll give them to you.

MS. SCHICK: Thank you.

CHAIRMAN COLVIN: Who else? John, did I see your hand up?

MR. NELSON: Well, I did have a question, but if you want to go through the other states -- it was on the vote we just took on Rhode Island, and it was timing as far as the ISFMP Board meeting and that sort of thing, Mr. Chairman.

CHAIRMAN COLVIN: Well, my understanding is that this would be taken up by the Commission and the Policy Board in October.

MR. NELSON: Okay, thank you.

CHAIRMAN COLVIN: Jim.

MR. FAIR: Thank you, Mr. Chairman. We didn't have a member on the PRT. I think some of these areas of concern could have been straightened out probably if we had. But, I'd just like to go through them one by one.

The enforceability of the five-inch maximum size in Area 1. We have four areas to deal with under this plan, and I think this is just the first of many similar problems that are going to come up as time goes on.

I think it's going to get worse when we start talking about minimum sizes. But I believe we've dealt as best we can with this issue by printing the LNAs on each person's license, so that if someone has Area 1 on their license, they can't land five-inch lobsters.

I think that's probably as good as we can do at this point in time. The recreational divers do file a catch report every year. It is compiled along with our other recreational statistics so we do have -- and it is a very low number -- so we do have that information if it's ever needed.

Enforcement of V-notch protection, I'm going to have to take the blame for that. I believe I must have sent Amy an old copy of the regulations. That regulation was amended before Phil retired and that language was removed. So now it is a violation to possess a V-notched lobster by any person.

As far as the trap tags go, I did send a copy of the most recent trap tag regulation, and that clearly states that no one can have an untagged trap "in possession or under control while on said waters", which to us means -- that language was provided to us by our enforcement people, and that means you can't have a trap anywhere on the water, in a vessel or any place else without a tag on it.

Recreational trap tags is a recognized problem. We understand that. Our main problem -- we wish you could use our existing situation or contract with Stoffel. That is impossible, given the large number of people and the small



number of traps they're going to be buying.

Our problem is with our state policy on new fees and so forth, so, I mean, that is our problem and we're trying to deal with it. We will come up with a way to get these tags out to the recreational people within the next year.

CHAIRMAN COLVIN: I guess I can comment on the issues on New York very briefly. The escape vent regulation has gotten tangled up as part of another regulation that has a bunch of other stuff with respect to other crustaceans that is just backlogged in the queue of rulemaking. It will be done.

And with respect to the trap tag issue identified here, the same aboard a vessel issue, I really can't comment. The staff person who had lead responsibility for developing the trap tag regs in New York, as most of you know, has been on extended sick leave and has just returned to work within the last week.

I will have to ask him to review this and give a report to the PRT on its status. I just cannot knowledgeably comment on exactly where that is. I do know that we're still operating under an emergency rule which needs to be made final.

If there is something that needs to be done, it can be addressed in the final rule. Pat.

MR. WHITE: I had a couple of questions. In the spring meeting I made issue with the state of New Hampshire in having multiple licenses on a boat. I since have talked with John Nelson, and he has explained to me that the legislature has passed a bill that would correct that.

I don't know if he wants to bring it up to date, but it was an issue that I had brought up earlier in the spring, and to the best of my knowledge it's in the process of being taken care of. But he might want to explain that.

CHAIRMAN COLVIN: However reluctantly.

MR. WHITE: If he doesn't, the other issue that I wanted to bring up that is of concern is the five-inch maximum in Area 1 for people that do not possess a state license.

Primarily, I think it's the mobile gear fishery that can declare or don't have to declare what area they're fishing in, but there still is an opportunity to harvest oversized lobsters in Area 1. It isn't really a state issue, but it needs to be addressed.

CHAIRMAN COLVIN: Federal issue?

MR. WHITE: Can we vote them out of compliance?

CHAIRMAN COLVIN: Sure. Ernie.

MR. BECKWITH: Yes, Gordon, you had made a comment about where the results of this report are going. You made it rather quickly and it sort of passed over my head, but I wanted to ask you a question about process here.

We have some findings that the PRT has put forth to the Board here. Did you say that these issues were going to be brought to the Policy Board next?

CHAIRMAN COLVIN: No, I didn't. What I did say was that the motion just passed with respect to non-compliance of Rhode Island will be presented to the Policy Board in October.

Any other actions that we may take with respect to this -- any aspect of this report will presumably, similarly be reported. But that's up to us to decide what, if any, actions we take. John.

MR. NELSON: Thank you, Mr. Chairman. Dealing with this report, I guess I need some clarification from you as far as the de minimis status, as I see it in the report, for three states which are Delaware, Virginia and North Carolina.

I believe when we made a motion previously to grant de minimis to each of these states, I think we did have in there, as part of the motion, the requirement to enact the required provisions of 3.1, I believe.

That was passed by the Board, so if that's in effect by the Board, we would need to do something to either continue to enforce that or to relieve those states of that type of mandatory regulations.

CHAIRMAN COLVIN: Can you clarify that, Amy?

MS. SCHICK: John is correct. In Addendum I, under the criteria for de minimis states, it states that all de minimis states would have to implement the measures in Section 3.1.

When the Plan Review Team was reviewing the state compliance reports, Virginia landed 4,000 pounds of lobsters in '98-99, and that's 10 percent of what the de minimis criteria is.

North Carolina landed 260 pounds, on average, and that's actually over a three- or four-year period of time. So, if you look at the amount of landings that are coming into those states, the states have the minimum gauge size in place and some of the basic -- the report actually states which ones they haven't done.

There are a couple that they do have in place, but it's not all seven. And you may recall Pres Pate coming to the meetings and saying that North Carolina could go through the process of implementing these regulations, but they're really not landing many lobsters.

It would be more a paper exercise than an actual impact. So, that's where the Plan Review Team came out with their recommendation.

CHAIRMAN COLVIN: John.

MR. NELSON: Yes, and I do recognize the limited landings. I suspect our brethren state of Maryland also has limited landings, and I get the sense that they did put in the regulations and other states -- or whether it's red drum.

I have red drum regulations on my books that was asked to be put in place by ASMFC, and I don't think I could identify a red drum. But it's the process. We need to deal with it through a process, I think, Mr. Chairman, in order to make sure it's clear.

CHAIRMAN COLVIN: Well, I think it is clear. Are you recommending that we take some action to request those two states to proceed with regulations consistent with 3.1?

MR. NELSON: Yes, unless we, somehow, are avoiding that requirement under the plan, I would suggest that we send them a letter saying that they still have an obligation under de minimis to meet those requirements under 3.1

CHAIRMAN COLVIN: Is there any objection to the development of such a letter? Senator.

SENATOR JILL GOLDTHWAIT: Thank you, Mr. Chairman. I agree with the statement that John makes about feeling troubled by the Plan Review Team saying that despite the fact that these requirements exist that these states don't have to comply.

But rather than signal to the states that they have to develop what would be futile and expensive measures for them, perhaps we should be thinking about revising our de minimis requirement for this plan or providing some way through the plan that in the event that a situation like this arises, we can make some other decision on those measures.

But to simply say that in a case where the plan defines what the compliance measures are, that there are some states for some perfectly good reasons don't have to meet them, I think could lead to trouble.

CHAIRMAN COLVIN: Pete.

MR. W. PETE JENSEN: Well, I guess in a way I have found myself being spokesman for the southern states because North Carolina and Virginia aren't here.

I think we have no problem with the recommendation of the Plan Review Team, but we felt compelled, under the same de minimis status granted to four different states, that we had to maintain the regulations on scrubbing, et cetera.

So, I would be inclined more to go toward formalizing an exemption for Virginia and North Carolina based on some criteria we can develop, very much as we developed the criteria of 40,000 pounds as a threshold for de minimis.

So, at this point I don't know if we ought to send a letter, but that we ought to begin developing the criteria for some exemptions for such a small landing state. But, I agree with John.

We can't be doing these kind of specialized things plan by plan, because we need to maintain some consistency of cross-plans as to how we handle de minimis and how do we handle exemptions.

Otherwise, we get such a complicated matrix of things that we can't keep track of it. So we need to keep in mind if we do it here, what are the implications in other plans.

CHAIRMAN COLVIN: I agree with you, Pete. I, personally, sort of think that 200 pounds is not significantly different than zero. And if I were from North Carolina, I would probably make that point.

But if it happened to be something like red drum or king mackerel, then I might indeed make that point from home. So, what's the pleasure of the Board with respect to this issue?

There are a couple of different courses of action available ranging from a non-compliance action to a letter requesting the states to implement the measures, to direction to staff to work towards the development of some kind of language, presumably through the next addendum, to further modify and create, I don't know, a sub-de

minimis category, if you want to call it that. What would you like to do? Bruce.

MR. BRUCE FREEMAN: If I recall, the issue with North Carolina and Virginia was timing of doing these. I recall Pres Pate indicating it could be done through his rule-making process, but the demand of doing it when we wanted created a problem because he was in the midst of doing other things.

I would suggest a letter be written to both those states indicating or asking them these are aspects of 3.1 or what the plan requires. What would be the timing of their regulatory process in implementing these and what problems would that pose?

If, in fact, it's just a timing one, they could do it, they just need time to do it. Perhaps, that's the best way to approach it. The issue with red drum, if we all recall when that was requested of all the states, was the possibility of people catching red drum in the southern climes and then landing them in the northern climes where there would be no regulations.

Therefore, states were asked to put in regulations that would prevent that. I think, the same thing here, if those states have no regulations, particularly on parts and scrubbing of lobster, those areas could be a conduit for product taken in northern climes and essentially landed there.

I think we have the same situation. It seems to me, again, it would be the best way to approach it to see if, in fact, they could implement these but they just need time to do it.

They're not going to stop what they're doing. But if it could be done within a year or that process, then perhaps the best way to do it is just have them go through the process of putting those in place.

CHAIRMAN COLVIN: Senator.

SENATOR GOLDTHWAIT: I'd like to make a motion.

CHAIRMAN COLVIN: Please.

SENATOR GOLDTHWAIT: That a letter be sent to the states of Virginia and North Carolina stating that though the PRT recognizes some compliance issues, that they are also recommending that those compliance requirements are not appropriate for states with such small landings and that, on the advice of the PRT, the Board will be looking to alter the de minimis definition to accommodate that finding.

CHAIRMAN COLVIN: Is there a second?

DR. RICE: Second.

CHAIRMAN COLVIN: Seconded. Discussion on the motion? George.

MR. LAPOINTE: I guess maybe it's not discussion on the motion, but the issue of the impacts of de minimis on states is broader than lobster, and it might be something that we want staff to bring back to the Policy Board in October? Does that make sense?

I remember my dear friend, Charlie Bergmann, when he was a Mid-Atlantic Council member, beating me up

about fluke all the time in the state of Maine, which is a de minimis state and we have like 4,000 pounds of landings.

And if three boats have a small amount of landings as opposed to two, we went over the quota and Charlie wanted us to reduce the quota every year.

So, it may be something that we want to have staff look at or just reflect on as board members in other plans to make sure that, in fact, we're doing what we want with de minimis status, but not putting in requirements that don't make sense.

CHAIRMAN COLVIN: Further discussion? Mike.

DR. RICE: In respect to some of the sort of sub-de minimis work, I sort of have a general question. Have there been instances where a fish has been transported very, very long distances for landing? I would think that there would be a major economic barrier against that sort of activity.

CHAIRMAN COLVIN: Bruce.

MR. FREEMAN: There are examples. We're involved in court cases where summer flounder were landed in North Carolina and essentially trucked to Massachusetts where they were officially indicated as being landed. So does it happen, yes. It also happens with sharks all the time.

CHAIRMAN COLVIN: George.

MR. LAPOINTE: Both Massachusetts and North Carolina, neither state is de minimis with respect to fluke. And with shark, we don't know yet. If we recall that red drum case, now a decade and some old, there was a big concern.

It was right when the black and redfish craze was so hot in the Gulf. And the Gulf was cutting back on harvest -- actually, it may have been in the EEZ. And we were concerned about an individual -- I think it was one boat -- a boat with a run-around gillnet harvesting 100,000 pounds of red drum in the South Atlantic and scooting them up to markets to the north.

It was one of those "coulda, shoulda, woulda" kind of -- we all do that as we're developing plans. But what happens if somebody does that? And we may be fine tuning our target too much in those kind of circumstances.

We've got emergency authority now that we didn't have then under our emergency regulations to deal with those kind of issues as they arise rather than trying to fine tune the de minimis requirement too much.

CHAIRMAN COLVIN: Bruce.

MR. FREEMAN: The difficulty I have is we have a number of states with de minimis. Now what we're saying is some of those states are "de de de minimis" and others are just "de minimis." I don't understand. I don't understand what we're doing and how we're doing it.

MR. NELSON: You're pointing to me, Mr. Chairman, I take it. Yes, I don't want to -- well, okay, I'll wear the black hat here. I don't think this is appropriate.

If we should send a letter, we should send a letter just asking the states are they having a problem implementing the de minimis requirements.

They asked for de minimis. That's what's in the plan. I don't recall any of the states saying they didn't want to implement those regulations. They said that they would, over a course of time, be able to do it based on other requirements that they have.

I think we all accepted that. I think they were all here when we had that type of discussion. I would note that Delaware is also included in this discussion. We are starting down a road that's slippery.

As Bruce said, we've got "de de de minimis" and now we have "sub-de minimis." I don't think we ought to do it this way. I don't think the letter is appropriate.

If we want to not act here because of the recommendation of the PRT for the time being and let the staff look at the de minimis requirements or de minimis situation overall, then that's probably the thing to do. But, I mean, this letter just --

CHAIRMAN COLVIN: Bill.

MR. NELSON: I don't agree with it.

MR. ADLER: I have to agree with Bruce and John on this, that this slippery slope here of sub-de minimis and so on, somebody could look at that for future in all plans if you want.

But I think that the appropriate thing to do is basically what Bruce had said, was you send the letter saying, "When can you get this? You agreed to do this. We understand that you have some restraints so we're just nicely asking you how soon can you get this thing on line? We'll give you the time to get it on line the easiest way you can."

I think that if this gets passed, that idea is out the door; is that correct, Mr. Chairman, if this motion passes?

CHAIRMAN COLVIN: Well, this would be a different course of action than that, yes.

MR. ADLER: Yes, so that's why I would not support this, and I would support that letter that Bruce had mentioned.

CHAIRMAN COLVIN: Ernie.

MR. BECKWITH: Mr. Chairman, I'd like to offer a substitute motion, and this motion not only will address this issue, but I think we also have to address some of the problems that were raised in the other states by the PRT.

I move that the Board direct staff to write a letter to the states -- you can fill in those states, Amy -- requesting a response by the annual meeting how and when they plan to address the deficiencies in their lobster management program identified in the July 2000 PRT report.

MR. NELSON: Second.

CHAIRMAN COLVIN: Okay, there is a substitute motion offered and seconded by John Nelson. As soon as it's

up on the board, we'll take discussion on the substitute motion. You have that in writing, obviously, Ernie.

MR. BECKWITH: Yes, I had asked Amy to identify the states.

CHAIRMAN COLVIN: We'll put the states in.

MR. BECKWITH: Take Connecticut out of there.

CHAIRMAN COLVIN: Is that your motion, Ernie?

MR. BECKWITH: Well, yes, I would hope that this letter would not be written to the state of Connecticut based on the comments I had made earlier. As I did state, I do have those regs to give to you, Amy, and I don't think it's necessary to include Connecticut. But if you want to, fine.

CHAIRMAN COLVIN: Recognize that should this substitute motion be approved and ultimately carried, that some states responses may come faster than others.

MR. BECKWITH: Yes, very, very fast.

CHAIRMAN COLVIN: John.

MR. NELSON: All right, Mr. Chairman, I still have my black hat and Andy Manus will appreciate it. I'm not clear from the report that we have here on page 5 on Delaware.

It says "recommendations for action by the Lobster Board: Delaware be granted de minimis status for the year 2000 and, therefore, must implement all provisions of 3.1 of Amendment 3."

And so the question is have they or have they not?

MS. SCHICK: Can I answer?

CHAIRMAN COLVIN: Yes.

MS. SCHICK: Both Delaware and Maryland have implemented all the provisions of Section 3.1. It's the states of Virginia and North Carolina that have not. And their deficiencies are listed in the report.

MR. NELSON: Okay, fine. Then the wording should really just change in the report to indicate that Delaware already has that.

CHAIRMAN COLVIN: Is there further discussion on the proposed substitute motion?

MR. PATRICK AUGUSTINE: Call the question, Mr. Chairman.

CHAIRMAN COLVIN: The question is whether to accept the substitute motion as a substitute for the other motion; essentially, to accept it as an amendment to the original motion.

All in favor, please signify by saying aye; opposed, same sign; abstentions; null votes. The motion carries. The

substitute motion is substituted for the main motion.

The substitute motion that we will now vote on is to move that the Board direct staff to write a letter to Massachusetts, Virginia, North Carolina and New York requesting a response by the annual meeting as to how and when those states plan to address the deficiencies in their lobster management program as identified in the July 2000 PRT report.

MR. AUGUSTINE: Call the question, Mr. Chairman.

CHAIRMAN COLVIN: Further discussion on that motion? Mr. Dunnigan has his hand up.

EXECUTIVE DIRECTOR JOHN H. DUNNIGAN: Just for clarity for the staff, what type of letter do you want? I mean, this could be anything from one sentence to the type of semi-threatening letters that we've written prior to Board consideration of compliance motions in past things?

Do you want us to say the Board will be considering compliance, and you're in deep trouble if you don't do something or respond appropriately? Like I said, the tone of this letter can cover a range of options and I just want to know which tone you want.

CHAIRMAN COLVIN: Let me turn to the maker of the motion and ask for guidance, initially, there.

MR. BECKWITH: I don't think we have to be overly threatening, but I think it has to be clear to the states where this whole thing could go. This is giving them a chance to respond.

This has been a large program for all of us to put in place. The states have done an excellent job. I think there are a few areas that need to be tidied up, but I think it also has to be made clear to the states if they don't take action, they could be in trouble.

CHAIRMAN COLVIN: Thank you. Mike.

DR. RICE: I think a key problem with this substitute motion is that it lumps several states together, sort of beyond the de minimis problem. For example, Massachusetts, with the non-commercial trap tag problem, might be considered a bit more of a problem than just sort of compliance with de minimis requirements.

So, I think the key issue is that some of the essence of the first motion is not carried through completely to the second one.

CHAIRMAN COLVIN: Further discussion on the motion?

MR. AUGUSTINE: Call the question.

CHAIRMAN COLVIN: Seeing none, we'll take the question. Will all in favor please signify by saying aye; opposed, same sign; abstentions; null votes. The motion carries.  
Bruce.

MR. FREEMAN: I have an issue I'd like to raise. If we look at New Jersey, we were given an exemption by the Board to not put the trap tag system in place because of the problems we had with Area 4 and the historical trap



amounts and the system the federal agency was putting in place, which essentially put an arbitrary limit on the number of traps.

We indicated to the Board in order to avoid confusion, we would ask to be given time with the expectation that this past summer we would have federal regulations in place relative to the issue in Areas 4 and 5.

Those regulations still have not been put in place. We are moving forward with putting our regulations in place which would be a historical trap tag system. So, state regulations are going to be in opposition to federal regulations.

In reality, so far as lobsters are concerned, most of the enforcement is done on the shore, and most of that enforcement is done by state enforcement agents who are deputized to have the same authority as the federal agents.

So, we're going to have our enforcement people out there enforcing regulations that are going to be very different. And this is going to cause some severe problems as we could find our fishermen are in compliance with state regulations and in non-compliance with federal regulations.

It's going to cause chaos on the docks. It's going to have grave implications to our ability to enforce the law. But I just want to let the Board know that we're moving forward and we'll put our regulations in place. Unfortunately, it's going to create a problem.

CHAIRMAN COLVIN: Anybody have any questions for Bruce? I just wanted to try to get one point clarified, because I thought I recalled that when Amy referred to this issue in the PRT report, there was an indication that the federal regulations were in place, and I think Bruce just indicated that they were not.

MR. FREEMAN: No, federal regulations are in place for federally licensed vessels.

CHAIRMAN COLVIN: Right.

MR. FREEMAN: But we do have state fishermen and we have, of course, most 95-99 percent of our lobster fishermen are federally licensed. They're complying with the federal regulations.

But now we're going to have state regulations that are going to conflict with those in that some of the fishermen are going to be able to use more traps, although they can't fish them because they fish in federal waters.

Other fishermen are not going to be able to use the pots they're using, and still other fishermen aren't going to be able to fish. They'll have a federal license, will be issued trap tags; however, if we find them fishing in federal waters, they're going to be given a citation.

CHAIRMAN COLVIN: That's, of course, exactly the situation that applies in Area 4 in New York now.

MR. FREEMAN: Right.

CHAIRMAN COLVIN: Right. So, we understand.

MR. FREEMAN: Thank you. Oh, one other point relative to the recreational catch, New Jersey has a substantial

dive/scuba, primarily scuba/dive recreational fishery that amounts to tens of thousands of lobsters taken each year.

We have an estimation of that and will continue to report that. But I'm just curious. Do any other states report the recreational harvest? I know there was some concerns relative to Massachusetts and I know they have a substantial recreational fishery. And apparently, Jim, you do or you don't?

MR. FAIR: We do.

MR. FREEMAN: You do, okay. So those states, we do have recreational numbers for states who have those fisheries?

MR. FAIR: We do.

CHAIRMAN COLVIN: Thank you. Let's move on to Agenda item 7, the Technical Committee report. We'll recognize Carl Wilson, our new Technical Committee Chairman. Welcome, Carl, and good luck.

I want to preface Carl's report with a couple of remarks, and this is really important. It's no secret that our Technical Committee has struggled in this management program.

It's no secret but it is important, I think, for the Board to periodically recognize and understand that our technical advice comes to us often as a result of a great deal of effort and energy expended by the Committee members to try to come up with advice that is supported by a consensus or all of the members.

And that has proved to be a formidable challenge. There are some widely different viewpoints among the members of the Technical Committee on the status of lobsters and what ought to be done about them.

It is difficult, given the makeup of our Committee, its membership, the viewpoints and the different levels of experience and historic participation in this process that some of the Board members have for them to reconcile their opinions.

I've talked to Carl and I've told him that I think that it's important that the Board hear all of the viewpoints that come forward from the Technical Committee, that we have to recognize that the Technical Committee will not always be able to achieve a consensus viewpoint on things.

In fact, if you follow what goes on in the Technical Committee, there are issues in which they will never arrive at consensus, and we need to recognize that and simply invite the Technical Committee to present the various viewpoints that they hold.

Carl is about to report on something very important. I think that it's remarkable and noteworthy to point out that the two reports he is about to give us do, in fact, represent a consensus of the Technical Committee membership.

In light of the history of the struggles that they've had, I think it's important to acknowledge this at the outset and to express appreciation to the Committee for being able to come to consensus on these difficult issues.

That won't always happen and I do appreciate it, and I think the Board ought to express its appreciation for that kind of effort. So, with that preamble, Carl, the floor is yours.

MR. CARL WILSON: Thank you. Okay, I guess I'd like to talk about three things today. The first is our meeting

summary from our August meeting and then the two Technical Committee documents that Gordon has alluded to.

First, we had a meeting on August 7th and 8th in Boothbay Harbor. The two Technical Committee documents that we will be talking about today were presented in draft form. The Committee went through each document and tried to come to a consensus.

As Gordon said, I actually think that the documents you have, although not totally satisfying to everyone, they do represent the consensus of the Committee.

We talked at the TC meeting about general operating procedures, meeting locations, trying to get a more centralized location that we can spend a little bit less money getting to.

As I said, the majority of the time was spent on the reports to the Board. There were a number of issues that were brought up and a number of non-consensus issues that were brought up.

The two largest issues that time was spent on was one talking about can the Technical Committee evaluate on an area-by-area basis. Joe Idoine presented a series of maps, which I'll be presenting in a couple of minutes, showing some of the overlap of management areas and stock areas.

There was also considerable discussion on how the egg per recruit model incorporates V-notching. Right now the egg per recruit model uses V-notching as a quarterly rate, which caused some confusion within the Committee of what's the difference between a quarterly rate and an observed percentage.

So, I brought forth some sea sampling data with some observed percentages from our commercial at-sea trips and how does that incorporate into the model. We're still working on that.

But the model is sensitive to different V-notching rates. So, hopefully, maybe the next meeting I'll be able to talk a little bit more about that. There were some comments by the representative from Connecticut voicing pretty severe concerns on the use of the egg per recruit model as the driving factor between reductions in fishing mortality and our management plan.

There was nobody willing to accept the position of vice-chair, so we'll continue to look for a vice-chair. We also had a subcommittee report on the establishment of a database, basically trying to develop an American lobster assessment database that all states will be able to just plug in their data.

Much of the time in the last stock assessment, a good nine months to a year was spent just collecting the data and getting it in the right format and that was seen as a major deficiency.

So, we're moving forward with that subcommittee. It was felt that the ASMFC should take ownership of this database and maybe provide help and maintain it. There's the formation of five subcommittees or recommendations to the Board to consider five subcommittees; one the Database Subcommittee, which is to establish a framework for the lobster database; also establishment of a subcommittee on effort control, basically exploring the relationship between effort and fishing mortality.

There is general agreement among the Committee that if you reduce effort, there will be a reduction in fishing mortality. We just don't know what the shape of the curve is. It's not a one-and-one relationship at all.

A socioeconomic group was suggested to be formed; initially do a literature review on some of the socioeconomic issues associated with the two reports that I'll be presenting today.

We had suggested membership. The final subcommittee is developing a modelling subcommittee to explore alternative modeling techniques such as biomass dynamic models, maybe other ones as well.

The Assessment Subcommittee, which was disbanded after the 2000 assessment, has kind of suggested to be lying in wait for the next assessment. No real activity for that subcommittee is suggested.

Research priorities for the committee will be developed and Bill Andrews from New Jersey will be coming up with a list for that. Okay, so I guess that's about it for the meeting summary, if there are any questions.

CHAIRMAN COLVIN: Thanks, Carl. I have two observations to report to you with respect to the summary. The first is with respect to the issue of a vice-chair.

Based on some communications that have occurred subsequent to the meeting, let me simply report to the Board that I'm very confident that at its next meeting the Technical Committee will have and be able to appoint a well-qualified and highly motivated candidate for vice-chair.

We will see that happen at the time. The second issue with respect to the subcommittees on the Technical Committee, that recommendation from the Technical Committee requires action by the Board chairman in consultation with the Technical Committee chairman to formalize those recommendations and to establish those committees.

I will do so. But before then, I invite any member of the Board to provide me with your comments and suggestions either now or at any time with respect to these recommendations, and, of course, I would expect to support the Technical Committee's recommendations unless I have some strong concerns expressed by Board members or suggestions about alternative membership. Ernie.

MR. BECKWITH: Yes, I just have a question for Carl as a point of clarification. You mentioned that the Assessment Committee is one of the five committees?

MR. WILSON: Yes.

MR. BECKWITH: But it has been disbanded. What does that mean?

MR. WILSON: Well, dormant. It's kind of in a dormant state right now. We didn't really have a charge for it at this time, but it's kind of lying in wait.

MR. COLVIN: I would also say that that formal status is that the membership would need to be reconstituted before it existed and had an opportunity to work again. Right now it does not have a membership, per se, because of our revision of the overall procedures that we operate under.

MR. BECKWITH: Okay, and maybe this is not an appropriate question at this time, but since there was a lot of issue with the Assessment Committee before, composition and interaction amongst each other, just out of curiosity, how would that be reconstituted?

CHAIRMAN COLVIN: The same way as these. There would be a recommendation from the Technical

Committee with respect to the membership that would be submitted to the Board chairman, and I would presume the Board chairman would consult with the Board before taking final action, just as I am suggesting with respect to these recommendations that are before us.

MR. BECKWITH: Okay, and one final question for Carl. I must have missed one because I wrote down four committees and you said five.

MR. WILSON: Yes, the Assessment Committee was left out of the meeting summary here.

MR. BECKWITH: Yes. I got database, effort control, socioeconomic and assessment.

MR. WILSON: Modeling.

MR. BECKWITH: Modeling, okay, thank you.

CHAIRMAN COLVIN: Mark.

MR. GIBSON: The meeting summary indicates that there was a table prepared where the V-notch rate would be translated to proportions observed and sea samples would be translated somehow into a quarterly V-notch rate. Does that table appear anywhere?

MR. WILSON: Yes, I'll be talking about that in the next couple of documents.

MR. GIBSON: Oh, okay. It's not in any of these, then?

MR. WILSON: Yes, it is. If you look -- well, in the first document we'll be talking about, if you look at the Gulf of Maine, Table 4, there are different V-notching rates for different management measures presented.

CHAIRMAN COLVIN: Any other questions for Carl on the meeting report? Okay.

MR. WILSON: Okay, the first document I'd like to talk about is management measures that can be evaluated on an area-by-area basis. As I understand it, this is a little bit before my time as chair, that the Board wanted the Technical Committee to basically evaluate can we quantitatively evaluate on a management area basis and what are the problems associated with that.

Right now the only quantitative tool that the Technical Committee has is the egg per recruit model to evaluate management measures.

The Technical Committee felt that there were four things that we could evaluate: basically changes in the minimum size, changes in the maximum gauge size, changes in the escape vent and changes in the fishing mortality rate by our effort reductions.

Now, as I stated earlier, how much effort needs to be reduced to see a reduction in fishing mortality we don't know at this time. But that can be quantified through the model.

There are certain assumptions inherent with the egg per recruit model. Probably most of you are very familiar with these assumptions, but basically the egg per recruit model assumes a steady state or equilibrium conditions.

There were six additional assumptions that the Technical Committee felt that we needed to be aware of for evaluation on an area-by-area basis. First, that fishing mortality rate will remain the same, as it currently is right now, for any kind of status evaluation at the present time.

Number two, there is no exchange between stock areas; basically saying that, again, equilibrium states that lobsters that move out of one area and move back into another will balance each other out so there's no net movement between stock areas.

There's also a realization that there is sometimes a significant time delay between the implementation of management measures and the realization of the egg per recruit benefit.

So, some of the numbers I'll be talking about in a couple of minutes could take many years to be realized. It's not an instantaneous credit. The calculations are for females only.

This is egg per recruit and yield per recruit. The Fisheries Service is developing these for males as well, but we don't have that at this time.

We assume that there's no shift in participation among areas and that mortality estimates are homogenous across each stock area, basically meaning that there are not sort of meta-populations or clusters of where effort is being exerted on the fishery, which we know isn't exactly the case but was one of the assumptions that we had to make.

As far as area-specific proposals -- these are management area specific proposals -- there was consensus among the Technical Committee that the egg per recruit model has an inability in predicting the outcome of competing measures when management areas overlap.

I'll express this in the next few figures. We're basically saying that we do not feel comfortable in doing management area evaluations; rather, we want to state what the adjacent stock areas, if there is overlap and what the overlap is.

There's also realization that competing measures within the same stock area can dilute the effectiveness of each measure. Again, these are figures that we all know. One, the management areas, the stock areas, there are eight management areas, three stock areas.

There's significant overlap between management areas and stock areas. And that overlap is what is causing the Technical Committee pains in evaluating management area specific and that it's not just a cut-and-dry situation.

We looked at the proportion management area by stock assessment area. Some management areas are held, you know, exclusively in the management area while other management areas -- excuse me, some management areas can be found exclusively in certain stock areas while other management areas are separated between a couple stock areas which causes problems, again, because you'll have competing measures in the same management area.

If you look at the table in just a little bit different way, proportion management area by stock area, we can see that for the three stock areas, Georges Bank, Gulf of Maine, south of Cape Cod, Long Island Sound, how the makeup of each stock area is proportionally different, and that the size of each stock area is dramatically different and the size of how each management area is incorporated into the stock area is different; Georges Bank and south being obviously the largest stock area.

Other than just coming up with can we evaluate area-by-area proposals, it was also, as I understand, a wish of the Board to see where we're currently at with different management options.

And so the Technical Committee came up with the next series of tables which basically looks at each stock assessment area with different management measures that we could look to see what they might produce as far as egg production.

Again, that's minimum size, maximum size, increases in vent. And then we also have decreased in fishing mortality, which would only be presented for one area.

The baseline calculations can be seen in green here for Georges Bank.

That's the 3-1/4 minimum size, inch and fifteen-sixteenths vent, without a maximum size. These valleys are slightly higher than what was presented in the stock assessment, but are using the same fishing mortality rate, and that is some of the assumptions that the inch and fifteen-sixteenths vent is being fully used as 100 percent compliance at this time is why the egg per recruit numbers are slightly higher.

If you read across the table, but basically the measures that would achieve the 10 percent threshold have been boxed together.

And then there's also the yield associated with each of these management measures, yield per recruit. And there's definitely changes with yield, depending on what management measures might be tested or employed.

The same basic table for south of Cape Cod and Long Island Sound. Again, baseline currently at 8.7 egg per recruit and the different management measures that might get you up to 10 percent threshold.

If there are any questions on these tables, I can go back, just stop me anytime if I'm going through them too quickly. Gulf of Maine table, again, 4.1 percent, which is our baseline calculations current, three and three-quarter, five-inch max, inch and fifteen-sixteenths vent.

There was great discussion in the Technical Committee as far as we know that when you reduce fishing mortality, your egg production will increase. We wanted to see what fishing mortality we would have to actually decrease to reach 10 percent, although we don't know what effort reduction we would have to get to get there, and so the bottom two lines of this table with the bracketed number at 11.9 is a 50 percent reduction in fishing mortality.

The next one down, 6.7, is a 26 percent reduction in fishing mortality to achieve those egg production goals.

MR. ADLER: Carl, that's what confused me when I looked at this thing. I didn't know what you meant by the one there, where it says 11.9 with a three and a quarter inch gauge and fifteen-sixteenths vent and the 73 percent V-notch thing gives you 11.9 percent. Of course, I'm looking at all the ones above where I'm doing more and getting less.

MR. WILSON: With the reduction in fishing mortality --

MR. ADLER: What does that mean?

MR. WILSON: Basically, the numbers of lobsters being landed would have to decrease, allowing them to get to a larger size.

MR. ADLER: So, are you saying that you would have a three and a quarter inch with a fifteen-sixteenths vent and the 73, and then on top of that there would be something else that would bring it down to 50 percent?

MR. WILSON: Right.

MR. ADLER: Is that what you're saying?

MR. WILSON: Right, at some measurable effort reduction --

MR. ADLER: But not those things, not the gauge and not the vent?

MR. WILSON: No.

MR. ADLER: Something else?

MR. WILSON: Something else, yes.

CHAIRMAN COLVIN: Pat.

MR. WHITE: Are you equating that to landings? I mean, a 50 percent reduction in fishing mortality, is that landings, then, in essence?

MR. WILSON: It doesn't necessarily have to be landings.

MR. NELSON: The question I have, Carl, is on the percents that you're using -- and you're using Gulf of Maine and so, therefore, you're using the overall statistical area -- and there's a mix of measures that have been put in place depending on the management area within the Gulf.

I'm using the Gulf as an example; it applies to others, also. And I know there was a discussion on whether or not previously approved or credits had been applied to the numbers that are on this table.

For example, I'm just wondering do these numbers reflect the credit that the Board has ascribed or the Technical Committee or whoever has ascribed to these other measures, or are these without consideration of those other measures that have been put in place that provide some measure of improvement to the egg production?

MR. WILSON: The specific proposals that were put forward or credit, we could only evaluate minimum size and maximum size, changes in escape vent size and decrease in fishing mortality.

I'm going to let Amy speak to the history of what I believe what you're referring to and how that wasn't specifically addressed.

MR. NELSON: I was referring -- to just be clear, I was referring to, for Area 3, for example, the issue came up that wasn't there already some credit given to the trap reduction that took place because it was a known level it was being reduced from.

Therefore, you had an effort reduction that was quantifiable, and I believe some number percentage had been



given as far as a credit towards egg production.

I got the sense from the discussion that that was not included in this percentage that we're seeing and, therefore, we might not have the full picture. That's all.

MR. WILSON: Yes, that pre-dates my involvement with the committee a little bit, but Amy can answer that.

MS. SCHICK: When the Technical Committee reviewed the LCMT proposals back in '98, they did it on an individual basis. They took each LCMT proposal and evaluated it based on the best information they had at the time they evaluated it.

The information that Carl is presenting today is not looking at individual LCMT proposals. The Technical Committee is stating that, quantitatively, there are three measures that they're able to evaluate at this time for egg production benefits: the minimum size, the maximum size, and the vent size.

For a suite of management options, these are the egg production values you'll receive. For the specific case of Area 3, there was also discussion about effort reductions and how we translate effort reductions, trap reductions, into fishing mortality estimates.

There was an analysis done back in 1998 that took an estimate of trap numbers and how those reductions would translate into a fishing mortality estimate, and that was given as a credit to Area 3 because it was a small area and we had an estimate of number of traps fished better than any of the other areas.

One of the assumptions at that point in time was that the information was based on the early '90s, '91, '92, '93, to '98 and then looking at once the LCMT proposals were implemented, further reductions beyond that.

One of the assumptions was that you'd be able to see a reduction in fishing mortality in the next stock assessment if there were actually a reduction in the number of traps in the water between '91 and '98.

In the current stock assessment, the fishing mortality estimates from '91 to '95 to '97, which is the last information we have in the stock assessment, actually went slightly up so the first assumption was violated.

The Technical Committee has not gone back and re-evaluated that analysis or the data that was used. That exercise needs to be done, and that's a recommendation from the Technical Committee, to look at effort reductions and how it would translate into fishing mortality.

It has not been re-analyzed. There were some questions raised, but the Technical Committee doesn't have a consensus or a report on how that might be done now.

MR. NELSON: If I could, Mr. Chairman, when we start putting numbers up on the board, I think we all recognize that, you know, all of a sudden those are the numbers that everyone says, "Oh, well, that's what we've got to do or we've got to work from there."

And that may not necessarily be the case. I think we want to just make sure that we qualify what we're looking at as much as possible and recognize that maybe more work needs to be done, and maybe past credits aren't valid anymore or maybe they are, I don't know.

But I just want to make sure we're dealing with the full picture and that we don't come away misled, not that anyone is trying to mislead us. It's just that --

CHAIRMAN COLVIN: These numbers mean nothing more than what they say. The full picture will take time to unfold and it won't all unfold today. Mike.

DR. RICE: Yes, basically, in that same vein, do you have any sort of objective estimate of how robust these numbers are? Is, say, one and fifteen-sixteenths vent size statistically different than two inches on these things? Can we say that with certainty or not?

MR. WILSON: There are retention values that are associated with each of those for different sizes of lobsters with each of those vents. And those have been tested.

CHAIRMAN COLVIN: Harry.

MR. MEARS: Thank you, Mr. Chairman. I would just like to, for my own purposes, I believe clarify what I hope is a clarification of the points which Amy just raised relative to previous review of the Area 3 proposal back in 1998.

My recollection is that a proposal had been brought forward to the Technical Committee based upon an incremental series of trap reductions which were proposed but, in fact, had not taken place in accordance with the table.

They were also accompanied by a series of increase in the gauge. My recollection of the comments from the Technical Committee in the minutes from that meeting, indeed, concluded at that time that the series of trap reduction based upon historical participation, coupled with gauge increases, would, indeed, get to the point where it would meet the management objective of reaching F-10 at least for the Area 3 plan.

What I heard from Amy was perhaps a bit different, and I think my recollection of the assumptions of the review of that are a bit different, and I don't think we need to clarify that here.

But my assumption is that the previous approval by the Technical Committee of all the caveats and assumptions that went into that model still pertain. I would just like to make a notation for the record that this remains, as far as from the perspective of the National Marine Fisheries Service, to be a proposal which had already been reviewed and approved on the basis of certain assumptions and caveats in reviewing that model.

MS. SCHICK: I'd just like to restate that the Technical Committee is not commenting thumbs up or thumbs down on LCMT proposals from 1998 at this time. They're just presenting information to the Management Board.

CHAIRMAN COLVIN: Bonnie.

MS. BONNIE SPINAZZOLA: I'd like to say that when you look at the chart and you pair the management area into the stock assessment area, you can do that very easily and assume that the numbers on these tables tell a story.

In the Technical Committee report, for management measures that can be evaluated on an area-by-area basis, one of the things that it does say in the first paragraph is that the management measures that can be evaluated

quantitatively include -- there aren't three things; there are actually four things and that fourth thing is changes in fishing mortality via effort reduction.

So, I would like to request that if this table should be re-evaluated or when it is and the Technical Committee does do it, that they do add in the credit that Area 3 got for those trap reductions so that we know where it is if we're looking at the table, that we have a better idea of where it actually stands.

CHAIRMAN COLVIN: I don't expect that the Technical Committee is going to do that. I expect that there will be technical participation as we revisit each area's management program and that that participation will, to the extent possible, examine issues about how effort reduction will affect fishing mortality rates and essentially resubmit all that stuff as each LCMT goes forward with its re-evaluation.

Then at that point there will be a Technical Committee evaluation of all of those individual plans, again, as there was last time. But I'm not planning or expecting to ask the Technical Committee to do a prima facie review of all of that beyond what they're already done here.

Again, that report is still only half delivered at this point. We're only halfway through it.

MS. SPINAZZOLA: So then we should feel comfortable if and when we meet again as an LCMT that the technical people who sit in on our team, who are actually several, we can feel comfortable that if they feel good about what it is we're proposing and bring that forward, we should feel comfortable with that rather than looking at an entire Technical Committee situation?

CHAIRMAN COLVIN: Let's wait until we get through the entire Technical Committee report this morning and revisit that question. Carl, are we pretty much through this report, now?

MR. WILSON: Yes.

CHAIRMAN COLVIN: Are there any other questions on this report, at which point I'm going to take a checkout break. Mark.

MR. GIBSON: Yes, I'd just like to ask Carl, again, maybe a very clear question. Hopefully, he can answer it clearly. Does the Technical Committee believe that at some point they will have a translation algorithm between gear reductions and fishing mortality rates for some of these areas?

Do they believe they can do that or not? I think it's easy for you to talk about what fishing mortality rate reductions do within this reference point calculation, but it's very difficult to talk about how that translates back into gear reductions, soak time, all that sort of thing. Could you just address that a little for me?

MR. WILSON: Well, I think, you know, as you alluded to, there is -- you know, the efficiency of the fishery can change remarkably even with dramatic just trap reductions alone.

So, to try to answer it, I don't have an answer, really, if we're going to be able to come up with a clear algorithm. There isn't one right now. And we've got a subcommittee formed to look at that.

CHAIRMAN COLVIN: My understanding of the status of that is it's addressed in the next report. No, we can't do it right now. And we do have a subcommittee and maybe we'll be able to do it eventually. Is that fair?

MS. SCHICK: Fair.

CHAIRMAN COLVIN: We've got to get to that next report. And I've just been told that we can't check out now because the computers are down. So I assume that there will be some kind of an extension in the checkout time as necessary, maybe an indefinite one.

I would like to suggest that we take a very short break and then come right back to the second part of Carl's report. Five minutes.

(Whereupon, a short recess was taken.)

CHAIRMAN COLVIN: We have a quorum in the room. Board members, please take their seats. I'm going to ask Carl to resume. Carl, go ahead.

MR. WILSON: Okay, moving on to the second document, which is pretty much just going through different management measures, the Technical Committee just kind of looked at each measure and looked at the implications, measurability, and enforcement of each management measure.

Okay, given the management options, the management tools used exclusive of each other may result in completely different fisheries. An example being that if you control just for minimum size increases without effort reductions, you might still be dependent upon a recruitment fishery not really managing, maybe, for growth overfishing; where if you did a combination of both effort reductions through minimum size and license participation or something like that.

The basic areas that I'll be talking about are just size restrictions, effort control and reductions and time of fishing limits. As far as size restrictions -- minimum gauge, maximum gauge -- the minimum gauge you can achieve your egg production goals by increasing your minimum gauge very dramatically in some areas.

This does not reduce the dependence of the fishery on newly recruited lobsters. This can be quantified and it is enforceable. Maximum gauge, you can quantify. You can achieve your egg production goals in all areas.

It is enforceable. It has different negatives. As far as on a per recruit basis, it reduces the yield of the fishery. Continuing on size restrictions -- escape vent size, there are limited egg-per-recruit benefits with escape vent size in that it works very similar to a minimum size increase, but at the same time it's not as effective as a minimum size increase.

This can be quantified through retention algorithms. It is enforceable. It's probably best to be used in conjunction with minimum size increases. The V-notch law can increase egg production.

This is a voluntary program, and it can be quantified by observational sea-sampling data. This is enforceable. We've got a V-notch definition on the books.

How V-notch is currently being presented in the egg-per-recruit model -- a V-notched lobster is assumed to escape harvest for two molts after it's V-notched and drops its eggs.

The Technical Committee came to a consensus that this protection may not be realized in reality with the current

V-notch definition.

We suggest that maybe we look into clarification of the definition or investigation of the studies that were looked into originally with the V-notch definition. Again, this is a lot of stuff that you all know and understand very well.

Trap reductions -- we don't know the relationship between reductions and decreased fishing mortality at this time. Some work was done by the Technical Committee in the early '90s. I have not seen that so that's something that I want to try to track down for our newly formed subcommittee.

There are problems with egg-per-recruit estimations and, again, we don't know the relationship between trap reductions and fishing mortality which is what goes into the egg-per-recruit model.

It's generally felt that this is an enforceable measure with industry support. License limitation -- the same problems as trap reductions. We don't know how many licenses you have to take out to see a reduction in fishing mortality.

Obviously, it is enforceable to have a license or not. Closed areas -- there are precedents in other lobster fisheries, New Zealand and Florida, two of them. At this time the egg per recruit cannot quantify the benefits of a closed area.

We can't quantify the migration or, say, the larval drift within the model. It's also a general feeling within the committee that if you had a closed area that was, say, open to other gear types, the benefits of that closed area would be lost.

Quotas, you can control fishing mortality. It's a general consensus within the committee that some better landings information is needed to further investigate quota options and different modeling techniques more based on biomass approaches.

Seasonal closures have been shown to have improved economic value through a couple papers. The benefits are limited as far as egg per recruit is concerned in that if we take the Canadian fishery as an example, they have a closed season, and their fishing mortality rates are comparable if not higher than current fishing mortality rates in the U.S. fishery.

Seasonal closures are enforceable. Time limits, specifically, day limits, earlier work by the Technical Committee found that two non-consecutive days off could lead to reduced efficiency.

How this reduced efficiency leads to reductions in fishing mortality, we don't know at this time. Hauling hours could also reduce efficiency when used with other measures as well.

Gear, vessel and crew restrictions, trap size, again, can limit the efficiency. There is a general agreement that as far as vessel and crew restrictions, there is increased efficiency with more crew on each vessel.

Then we all know the benefits of having a bigger and faster boat as well as far as efficiency goes. Overall effort stabilization and reduction programs -- at some level effort reductions will reduce fishing mortality. We don't know that relationship at this time.

Biological benefits with reduced fishing mortality can be expressed through the egg per recruit. We also have to

understand that reducing the effort may change social and economic aspects of the fishery, positive and negative.

As far as potential management areas, clear goals developed by the Board can help the evaluation of management measures with the Technical Committee. We also have to be aware of the understanding of the successes and failures of similar proposed measures in other lobster fisheries.

I think we can really look towards Canada to look at how pretty severe limits on entry and participation and effort and seasons, how that could be effected with similar measures in the U.S.

We all have to understand that there's significant delay between implementation of management measures and subsequent increases in egg production. Again, you could take some of the tables from the previous document and it could take 10 to 20 years to be realized.

There was consensus within the committee that there is a very good chance that no management areas will achieve the 10 percent by 2005, although you can take steps to get there, eventually. That's about it, if there are any questions.

CHAIRMAN COLVIN: Pete.

MR. JENSEN: Just an observation, Mr. Chairman. With just a little bit of editing, you could not tell the difference in the discussion we're having on our blue crab fishery and the lobster fishery. The issues are almost identical.

CHAIRMAN COLVIN: Any other questions? You must have done a heck of a job, Carl, thank you. Harry.

MR. MEARS: Mr. Chairman, I would like to just repeat what you had already indicated earlier. This Board requested these products, these type analyses, to be conducted and summarized by the Technical Committee, and I believe the length of time they had to do what they did, we now have a product that we did not have before; that, granted, it's a springboard by which additional analyses need to be made, but as we go forward into future lobster management, and certainly with other actions such as Addendum II to the Plan, this is an extremely valuable step forward to have this type of analysis.

CHAIRMAN COLVIN: Thank you, Harry. As I said, it is also the more valuable because it does reflect a consensus of the Technical Committee and consensus has often eluded us in these matters.

It has not in this instance, and it's very helpful and we appreciate the efforts of the committee in coming to consensus. Jim.

MR. FAIR: Just an observation on that last point. I would like to congratulate Carl for getting this presentation to this point today. He did a good job. However, I think he needs to do a better job of communicating with his committee.

There are several committee members who indicated to me that they haven't seen the final draft. That's disturbing to me. I think getting it last night in time to read it before this meeting, I was able to satisfy myself that our concerns had been met, but it would have been better if I came here with the clear support of our Technical Committee members.

CHAIRMAN COLVIN: We need to give our committees more time to work, too.

MR. FAIR: Right.

CHAIRMAN COLVIN: And I think let us slap ourselves on the wrist. Mark.

MR. GIBSON: Would you just review again how the review of area proposals under Addendum II is going to take place? I'm concerned about this Effort Control Subcommittee and the time line that they might work under relative to how and when we would have to look at area proposals and make judgements as to whether they meet the F-10 criteria or not.

CHAIRMAN COLVIN: Yes, I think we need to do that, Mark. There are a lot of uncertainties that we have decisions to make in that regard that we need to come to today. What I'd like to do is get through the PRT report and then turn to a discussion of that issue.

I think the Board has to decide how it wants to proceed at this point. Unfortunately, I think that decision is going to have to be made in light of some very clearly defined limitations on our ability to do some things that we might have thought we'd be able to do a couple years ago, looking forward.

You know, Jim, let me make one other observation, too, on this issue of Technical Committee. Let me tell you I'll speak a little bit more bluntly now than I did before.

I've observed that it is not uncommon following a meeting or a conference call of the Technical Committee -- and my observations include, may I say, my experience over a two-year plus period of having the chairman of that committee sitting down the hall from me.

I have observed that there is often a fair amount of post-meeting bickering that goes on. I would hope that each and every one of us who has a representative on the Technical Committee would urge our Technical Committee members to try to finish their work before they walk out the door of the meeting, to the extent possible, and to try to eliminate a lot of this post-meeting e-mail stuff that happens.

That would be the most constructive thing that could happen to help make our Technical Committee less of a "dysfunctional family", which they refer to themselves as. And that's one thing I think we can all try to do. Are there any other questions for Carl? Amy, PRT report.

MS. SCHICK: Thank you, Mr. Chairman. At the June meeting week, after hearing the presentation of the Peer Review Panel Report and Advisory Report on the stock assessment, this body directed the Plan Review Team to develop a report on the management implications of the Stock Assessment Report and the subsequent Peer Review Report.

There were six people that participated on the Plan Review Team in the development of this report, and that was myself as Chair, Dick Allen, Clair McBane, Bill Outten, Bob Ross and Carl Wilson.

The first part of this report is a summary of the Peer Review Report. It was requested that we get to the bottom line of the Peer Review Report. I'm going to go through this fairly quickly, assuming that everyone on this Board has read through the Peer Review Report and understands what's in it, and then I'm going to go more detailed through the management implications that the Plan Review Team prepared.

In summarizing the Peer Review Report, the Panel concluded that abundance was increasing in all three stock areas and recruitment was high and increasing in the Gulf of Maine and the south of Cape Cod/Long Island Sound stock areas and that recruitment was stable in Georges Bank and south.

It was unknown why recruitment has been favorable or how long favorable conditions will last. Despite these trends in recruitment and abundance, the Panel was concerned about the condition of the lobster stocks for several reasons: fishing mortality rates are high; length frequency is truncated; there's a strong reliance on the first molt group above legal size; there are shifts in the spacial distribution of effort; and there have been localized problems in Massachusetts Bay which was evident in the stock assessment; and then subsequent to the stock assessment, Long Island Sound had a mortality event last year.

The Peer Review Panel highlighted some concerns with the F-10 percent values. The estimations of F-10 percent is not precise due largely to uncertainties in calculating egg production at zero fishing mortality rate, which is the baseline as to how you come up with the value of current egg production.

There's also concern that the model fits between the observed and predicted length frequencies were inconsistent. The Stock Assessment Report did not have any alternatives for biological reference points or overfishing definitions.

Therefore, the Panel recommended that investigation of alternative or supplemental biological reference points be conducted and, for the time being, without any other alternatives, the F-10 percent be maintained as an overfishing threshold.

The Peer Review went in to some detail on the difference between overfishing and overfished. Overfishing is a rate of removal, and if it's too high, removals are not sustainable.

Whereas, overfished status results from continued overfishing and implies a greatly reduced stock. The F-10 percent overfishing definition implies that recruitment overfishing is occurring but the stocks are not overfished.

The Peer Review Panel did concur that growth overfishing was occurring in all three stock areas. Because of this, the Panel recommended egg production should be increased in all three stock areas; and by increasing egg production, you'll also be increasing yield per recruit which will address the growth overfishing concerns.

There was a greater concern with egg production in Georges Bank and south and the Gulf of Maine because the size of maturity is greater than the minimum legal size. The Panel recommended four alternatives for management actions which could be taken to increase egg production.

Those are increasing the minimum size; closed areas or sanctuaries; reducing fishing mortality -- and they gave two recommendations on how to reduce fishing mortality, effort reductions or quotas -- and also increasing vent size.

Carl just presented a report of evaluating those various management alternatives in the Technical Committee Report so I'm not going to go into much detail in that. The following is a table.

That table came right out of the Stock Assessment Report which gives the current F estimates, the F-10 percent estimate, and then current EPR estimates. The numbers are straight out of the Stock Assessment Report.



The numbers in brackets are the numbers that the Technical Committee reported on today as the current baseline values. Again, those numbers are different because it's being assumed now that the one and fifteen-sixteenth inch escape vent is being used in 100 percent of the areas, where in the Stock Assessment there was still some use of the one and seven-eighth inch escape vent. So, that's the difference in the numbers.

So, now getting into the management implications -- while the Peer Review Panel Report concluded that the stocks are not recruitment overfished, overfishing is occurring and there's a recommendation to maintain F-10 percent as a threshold until an alternative or supplemental biological reference point or overfishing definition could be developed.

Therefore, the Management Board should take action to reduce fishing mortality and increase egg production. However, a precise, long-term target for management action and mechanisms to achieve those targets is unclear.

There are several issues that we highlight and the first one is the overfishing definition. I just noted some of the concerns that came out about F-10 percent and the estimations of F-10 percent.

The Panel, again, concluded that F-10 percent be maintained as the management threshold and defining this threshold as a danger level that should initiate management actions to move the fishery away from the danger area.

The recommendation is despite some concerns about the estimations of F-10 percent, the lack of characterizing uncertainty for the EPR analysis or the point estimates of egg production and uncertainty in how closely F-10 percent actually matches a real danger point.

The Panel acknowledges the fact that even though egg per recruit has been low for two decades, abundance has been high, and so that translates into a total egg production that has been high.

Our overfishing definition is based on a per recruit analysis. But if you look at total egg production, it has been extremely high in recent years because abundance is so high.

The current overfishing definition has remained the same since 1991 under the federal FMP through the Council. One of the benefits of the overfishing definition is it's a single number that the Board can use to decide whether or not overfishing is occurring and it's a conservative threshold which is consistent with the precautionary approach to management.

However, the current overfishing definition is inflexible to other indicators of stock health and it only addresses one of the management objectives of the FMP.

In Amendment 3 it specifically states that the overfishing definition will continually be reviewed and may be revised.

Since the stocks have exceeded F-10 percent reference point for at least 16 years, it may not be a reliable indicator for a recruitment overfishing threshold under prevailing conditions.

However, it does meet the objective of minimizing the risk of recruitment failure. The FMP has ten other objectives and they have not been similarly clarified and, therefore, haven't been the focus of management action.

An evaluation of management options has been focused solely on egg production which limits other management options that may have a benefit to the resource and the fishery.

Therefore, the Plan Review Team recommends that the Board direct the Technical Committee to evaluate alternatives for reference points that could be utilized as thresholds and targets that will address the objectives of the FMP.

Now on the next page it defines targets and thresholds and gives three recommendations for action in developing such reference points. One would be to evaluate the performance of the current overfishing definition.

The second would be to evaluate alternate modeling techniques available, including but not limited to the biomass-based approach that was recommended by the Peer Review Panel.

And third, to evaluate the utility of a spectrum of reference points that could be used as management targets. That would provide the Board with a list of options to choose from in terms of establishing targets and thresholds for the fisheries management plan.

In addition, the PRT recommends that the Board direct the Technical Committee to investigate the utility of additional stock status indicators that could be used for management guidance.

There's a list here. The percentage of female recruits that spawn or percentage that spawn once before dying came from the Peer Review Panel, and the rest of the list has been seen in the past of alternate indicators of stock status.

The next section is the economic basis for management action. The PRT noted that the Stock Assessment and the Peer Review Report did not evaluate the economic implications of the Lobster Management Program.

Insights on the quantitative implications of various lobster management approaches could be gained from the use of bio-economic models or economic analyses.

The Stock Assessment Report and Peer Review Report concluded that all three stocks are growth overfished, and that indicates that yield per recruit could be increased and that could increase the potential value realized by the fishery.

The lobster fishery is overcapitalized and has excessive and growing effort. This information has not been presented to the Board in a comprehensive format. Therefore, the PRT recommends that an economic evaluation of the lobster fishery be conducted, especially in relation to the relevant management objectives.

As a first step, a literature review of studies that have already been conducted would be a good starting point. The next section deals with effort reductions. The Peer Review Report recommends that reductions in fishing mortality could be achieved through effort reductions.

However, as you heard from the Technical Committee Report, there currently is not a way to translate those effort reductions into fishing mortality benefits. Addendum I was the first step in the Coastwide Lobster FMP to begin controlling effort and through the use of flat-trap caps and based on historical participation.

There has been a large increase in the number of traps fished over the last few decades and particularly recently.

These increases have occurred despite the establishment of trap limits in Amendment 3 which were set above the average number of traps fished per license and, therefore, have not meaningfully controlled effort.

Based on evidence in other fisheries, the U.S. Lobster Fishery would require significant reductions in effort from the current level to effectively reduce fishing mortality in management areas.

The relationship between these reductions in effort and subsequent reductions in fishing mortality is difficult to assess, but not impossible. Effort reductions will have a positive impact on the stock, but the magnitude of the benefit and the time required to measure those benefits may be uncertain.

Therefore, the Plan Review Team recommends that the Technical Committee evaluate the impact of effort reductions on the stock and the fishery and examine the effort reduction attempts in other lobster fisheries for guidance, and at the same time evaluate the effectiveness of the current trap limits.

The next issue deals with the shift in spacial distribution of effort. Both the Stock Assessment and Peer Review Panel acknowledged that there have been shifts in geographic distribution of effort.

And this is a concern that is also expressed in the objectives of the FMP. Therefore, the PRT recommends that the Board request LCMTs to consider these concerns the next time they meet and to recommend any measures that may achieve the objective of insuring changes in geographic exploitation patterns do not undermine the success of the management program.

The final issue that the PRT discussed was Addendum II and where we go from here. Back in 1998 the LCMTs developed individual area management recommendations that were recommended as a single package.

As you recall, this management body split those recommendations into two segments. Addendum I was the first phase dealing with effort controls, and Addendum II was set aside to deal with egg production following the completion of a stock assessment.

Since this time two LCMTs have expressed a desire to move forward with their recommendations from 1998 to increase egg production immediately. That's the Area 2 and 3 LCMTs.

They petitioned the Board back in February of this year, regardless of the outcome of the stock assessment. The Peer Review Panel raised some questions about egg production or about the EPR model and the F-10 numbers.

However, the recommendation came forward to maintain the F-10 values in the interim. The Plan Review Team identified three objectives or three options for the Board to pursue.

The first would be to continue operating under the current overfishing definition and egg production rebuilding target. That's F-10 percent EPR by the year 2005.

The second would be to adopt and implement portions of the LCMT proposals that were developed in 1998 and have not been implemented to date that dealt with egg production increases.

And the third would be to change course, and that could take the form of three different alternatives. One would be to change the timeframe under which the management program rebuilds egg production to 10 percent, extending it by a couple of years to ten years, or basing the timeframe on the percentage increase in egg production that's required.

So, if an area was at 6 percent and had to get to 10 percent, you know, maybe they'd get four years, one year for each percentage they had to go up, so areas that had a further way to go would have a further timeframe to get there.

The second would be to change the target. Rather than aiming for 10 percent, shooting for doubling egg production or increasing egg production by 10 percent each year or coming up with some percentage that it should be increased each year.

And the third would be to suspend any additional management action until new reference points are defined. That concludes the PRT report.

CHAIRMAN COLVIN: Thank you, Amy. Well, this kind of brings us back to beginning to address the question that Mark raised which is sort of "where do we go from here?"

The PRT has identified options for Addendum II and a series of considerations and recommendations based on their assessment of the available information and the technical advice.

Let me just see if I understand the implications of the three basic options, Amy, and can frame them for our thought-making process.

Option 1 simply takes us back to where we left off before the stock assessment but updates the numbers based to reflect the table at the bottom of page 2 of the PRT report, so that whatever the numbers were when the original LCMT proposals were developed, those numbers are now these numbers and the LCMT proposals could be revised, accordingly.

Option 2 would go ahead with the previous recommendations, but they would achieve egg production rebuilding outcomes different than 10 percent. But how much different, we'd have to get out pencil and paper to figure out, but they would be different.

All of Options 3, A, B, and C, would provide for a significant departure from the current egg production rebuilding schedule specified in Amendment 3 and might likely require a plan amendment, would certainly require at least an addendum, which would depend probably on which of these we chose and our relative level of comfort with an addendum process for certain things.

That's sort of how I see the options at this point. So with that hanging out there, let me just shift gears for a minute and address our process for the balance of the day. First of all, housekeeping.

With respect to checkout, Laura Leach advises that if you got this thing under your door and you don't have any extra charges or adjustments to it, all you need to do is drop your key off and you're done.

And that can happen at any time, including at lunch. If you do need to see them for an adjustment, lunchtime will be fine. And so, I would propose not to break until we're ready for lunch, probably after about a half hour of discussion on this issue.

I hope that that will accommodate everyone's needs. So, I would propose at this point to discuss this issue to some extent, break around noon for lunch, and return and try to come to a conclusion or agreement on a course of action with respect to Addendum II.

So, that's where we are. Mark, let me come back to the question that you raised a little more specifically. I think that this last time we talked about this, we spoke about getting advice from the PRT with respect to what would need to be done to develop revised proposals from each of the LCMTs to meet the egg production rebuilding schedule in light of the new assessment advice.

We contemplated receiving that advice around now, at this meeting, and then going forward thereafter to impanel the LCMTs to prepare such revised recommendations as would be needed area by area, to have those evaluated by the Technical Committee and to develop an addendum based on approved LCMT proposals sometime next year.

The scope of recommendations that's before us now is much broader than that. Proceeding along that course is really only Recommendation 1 of the PRT report. What we need to do at this point is to make a decision on which of these course of actions we propose to pursue and, if necessary, give advice to the PRT on how to proceed, and that would include, if we're going to proceed, preparing essentially advisories to the LCMTs to guide their sideboards on what they need to come up with.

So, that's kind of where we are and it's not quite where we thought we'd be. George.

MR. LAPOINTE: No, it certainly isn't where we thought we'd be. I recall when we discussed Addendum II and in the case of everyone getting the LCMT together sometime later this fall when the Maine Coastal Lobster fishery is over, clarity is not a word I'd use with the stock assessment and the peer review.

I mean, and that will not be a word that our LCMT members use either. But, some of the recommendations in the PRT report about evaluating other definitions of overfishing and evaluating some of those other stock status indicators might help in that process.

Has the Technical Committee or have staff discussed a schedule by which some of these questions at least could be addressed and framed, alternative definitions of overfishing?

I mean, if you think about Area 1 -- and I'm thinking selfishly about Area 1 at this point, and other people can talk about other areas -- the discussion about the impact of V-notching rates versus observe rates on where we are, things of those nature are things that will help us greatly in discussing the issue and trying to get LCMT 1 -- and, again, selfishly in our case -- to be able to discuss this logically.

MS. SCHICK: The staff and the Technical Committee have not identified a timeframe that it would take to accomplish these tasks. As you see in the PRT report, there's a lot of work that still needs to be done that could help this management board make decisions on the direction of the management program.

The PRT acknowledges that and the Technical Committee acknowledges that. I guess we turn to the Board for guidance as to what our priorities should be, where should we start, and what size chunks do we take it in, and how that will help the management board.

There's a lot of work that could be done. If everything were done completely that's recommended by the PRT, it could take years to get those things done.

So, it would have to be paired down to the amount of information that would be useful to the management board in a short timeframe. I would say in a two- or three-month timeframe to have something completed for the

LCMTs to look at, we would really just be skimming the surface and collecting information of analyses that have already been performed rather than diving into new analyses.

DR. RICE: I have a couple comments about the report. The first one here in terms of re-evaluation of the definitions and sort of Point 3 there, looking at F max 0.1, FMSY, FMEY, et cetera, I think that that is really an excellent observation and way to go.

I would also suggest, perhaps, the beginnings of a trophic analysis as well. Now the reason I say this, is having a suite of things, is that it gets us away from a sort of a psychological dependence on a single number and gets us away from the idea that a model is reality.

My second comment on this is on this whole section on the economic basis of management actions, I applaud that 100 percent in terms of an economic analysis. However, I think that the caveat should be put in that if we're going to go down that route, there should be a parallel analysis on social implications, if we're going down that route.

The reason is I can make the argument that probably the most economically efficient way to conduct a lobster fishery is to have a very large corporation do all of the fishing, and it's very, very easy to manage.

However, I think that would probably not be in the best interest of everybody and everything would recognize that. So, I think those are the two comments I have about the report.

MR. LAPOINTE: I'm going to make Mike an honorary citizen of Maine for those last comments.

CHAIRMAN COLVIN: Mark.

MR. GIBSON: It seems to me that the real fork-in-the-road decision here is between 1 and anything else. Under 1 we simply plug in some new numbers, ask the LCMTs, including Area 1, to make a proposal that closes the gap between current fishing mortality and F-10, or whether we suspend the process in some way and start talking about all of these other possible research items, economics, other monitoring, biological reference points.

That seems to be the crux of the decision that you're trying to get through today. Am I interpreting that right?

CHAIRMAN COLVIN: Mark, that's how I see it. And at some appropriate point I was going to make that point, that we really are at a point where we need to make a decision whether to proceed with the current egg production rebuilding schedule or make the decision to depart from that schedule and implement some alternative course of action. Ernie.

MR. BECKWITH: Yes, Mr. Chairman, I see that as the same options and alternatives. But I think if we do consider a change of course of action here, that perhaps there's another option we could consider.

I think that all of us probably have a level of discomfort with the assessment results and results that came out of the Peer Review. A lot of us have some very serious problems with the calculation of the F-10 values and also the use of F-10.

So perhaps another alternative that we could consider is to take some precautionary conservation measure that could apply uniformly across all areas or perhaps it could be area specific.

Each area could work up some precautionary measure to put in place for some period of time while the Technical Committee goes back and addresses some of these very serious technical issues which, in fact, as Amy said, could take years and we would have to help them with that.

I think we have to look and set priorities there and that would help us determine what period of time, if we did go forth with temporary, precautionary measures, whatever that might be, how long those would be in place before the assessment and reassessment of the information is done.

And then we can, at that point, feel much more comfortable with setting a more definitive, long-range course of action.

CHAIRMAN COLVIN: Other comments? One of the things that kind of jumped off the pages of the PRT report to me was that the entire focus of the effort to develop Addendum II at the outset was on egg production, and that there were 11 objectives of the management plan that were not the subject of that focus.

I wonder whether that's an issue that the Board would like to develop some policy on. That's pretty interesting to me, that there are 11 objectives of our management plan that we're not addressing affirmatively.

That's a lot of objectives. I'm not sure other management plans would fall into that category. Ernie, by the way, just to get back to you, do you have any ideas about what kind of a safety net kind of proposal might come forward?

MR. BECKWITH: Oh, yes.

CHAIRMAN COLVIN: Well, not to put you on the spot.

MR. BECKWITH: But, Mr. Chairman, I'm not quite ready to offer that. I think that the people should think about that a bit and perhaps someone else would come up with some ideas. But if all else fails, I'll offer a motion.

CHAIRMAN COLVIN: We may be getting close to where we need to take a lunch break for people to -- Jim.

MR. FAIR: I think we have kind of a public relations problem more than anything else right now. When you look at the assessment and you look at the areas that appear to have the most work to do, those are the areas where the fishery is very robust.

You look at the areas that appear to be in good shape, the fishery has collapsed. So we're going to have a lot of trouble going back to the LCMTs at this point and convincing them that this assessment is right on for them and disregarding them -- you know, I don't argue with the math or the methods or anything else.

I think the model that we're using is what we have and we have to use it. And the data may not be the most current, but it's also what we have and what we have to use.

And I think we have to have some way to bring that back to these LCMTs and explain it to them. Otherwise, I don't believe we're going to get their cooperation.

CHAIRMAN COLVIN: Jill.

SENATOR GOLDTHWAIT: Thanks. I really agree with those comments, and I think if we had a better fit

between the results of the model and what we're seeing happen in different areas, this whole thing would become relatively easier in terms of acceptance of management measures.

But until we get there, it's going to be extremely difficult to convince people who are having their fifth record season in a year that there's an issue, unless somehow someone can explain it in terms that make more sense to the fishermen than they do now.

So, I guess my first off-the-top reaction to this, do we go ahead with the parameters model and numbers that we've been using until now, or do we do something as much of a departure as saying we're going to wait until we define better numbers.

It was the third option, I think, on the Peer Review Report. My inclination is that we can venture into attempting to impose more management measures based on data that doesn't clearly support the case for that right now and spend the next two years in a furious pitched battle with people who don't understand why we're doing what we're doing, or we can take a bit of a break and try to use our experience to develop a more useful model, better data, et cetera.

I think we're really at a breaking point in terms of the next iteration of the science and that's a good thing. But do we sort of plow ahead with a case that we can't support very clearly to the fishing community, or do we say we think we're at a place where we might be able to develop some new tools and better information and we're going to kind of stay the course until we get those on the table?

I guess a for instance as far as individual efforts would be, our current law in the state which caps buildup, because we acknowledge that that's a significant problem, and right now we have in place a measure to keep that to a minimum.

I am assuming the legislature will prolong the life of that measure when we reconvene next year. But we are well aware that whatever happens next, it simply cannot be a free-for-all big buildup kind of a situation, and we are taking individual measures to keep that piece of it under control while we continue to work on the science.

So my off-the-top reaction is I'd lean toward laying off on the new management stuff as we work toward the better understanding side of it.

CHAIRMAN COLVIN: Bonnie.

MS. SPINAZZOLA: With all of this discussion that we're talking about now, I'd like to go on record as saying the Area 3 LCMT is committed to moving forward with their full suite of management options that they brought forth in the original plan or Addendum I, which we were disappointed it was split up to Addendum II, but we would like to see gauge increases and not just one set but the full suite, the full four years.

CHAIRMAN COLVIN: Dick.

MR. DICK ALLEN: Dick Allen. I just wanted to try to clarify what I think is a widespread misperception about the model. A lot of people say the model has predicted the collapse of the fishery, the model is wrong, the model doesn't jive with what's happening in the fishery, with what people see.

The model does not try to predict what's going to happen in the fishery. The model doesn't even establish an



overfishing point. The Board established the overfishing point based on egg production.

The model has no way of knowing at what point the fishery will collapse. It doesn't work that way. And so I think what that leads to is kind of an unrealistic perception that science can somehow resolve these decisions that have to be made.

There may be some additional scientific tools that could be brought to bear, but I think it's much more of a qualitative, conceptual approach to fishery management that you need, that if you continue to look for science to pin down exactly what you need to do and where you need to be, I don't think that's ever going to happen.

And so you might want to think about kind of pulling back from this single, precise, numerical target and looking at a broader picture. And I think the recommendation to look at some other targets gives you that broader picture.

And then even if you don't happen to hit the target, you're operating in a realm that's still acceptable both biologically and economically. So just don't put too much emphasis on the model and new science as being able to solve these problems. Thanks.

CHAIRMAN COLVIN: George.

MR. LAPOINTE: Actually, I quite agree with Dick just because the target of the 10 percent is an interpretation of the relative risks inherent with the stock after interpretation of the model.

We have used the single target. And what we're saying is that we're not comfortable with that qualitative assessment. My sense is that we need a combination of two and three.

If there are areas like Area 3 and other areas that want to move forward based on the biological and sociocultural factors in their areas and it can be done in a logical fashion, I don't have a problem with moving forward with that.

Figuring out how we change the course, how we start evaluating those other 11 objectives won't be any easier for this Board than it will be for the Technical Committee to come up with alternatives.

So that suggests slipping the clutch on the race toward the year 2005. That doesn't mean ignoring the model and the perception of risks involved therein. I don't have a plan yet on how to address that.

Again, if I think of Area 1, yes, we need to make some changes. I am committed in Maine to doing that through the LCMT process, through the area, getting the fishermen involved from Area 1.

That involves Maine, New Hampshire and Massachusetts. When we discuss this and when we discuss all 11 objectives in the plan, we will have the model and we will have a lot of other biological information.

Some of it we're now starting to discuss in the Technical Committee and the Stock Assessment Subcommittee. The impact of V-notching is one that comes to mind and where that puts us relative to the model.

The incidence of sublegal lobsters in Maine is something we've been gathering data on which suggests -- I mean, it's another indicator of the health of the population. And those are all things that we're going to have to put into place.

Again, I wish I had a clear picture on framing a motion to do that, but I think that's kind of where we need to go.

CHAIRMAN COLVIN: Bill.

MR. ADLER: Sort of a combination here, the idea of eliminating the 10 percent out of the vocabulary of we're moving ahead with something while you discuss the 10 percent off to the side and see if it should be a 2, 5, 10, whatever -- part of the consternation that is caused is when the fishermen look at the 10 percent, they look at the 3.6 they're at and they go, "Well, how can we get up?" And they come up with some idea and they hand it to the Technical Committee and they come back and they go, "Well, you made it to 4.45." And this is what causes a lot of the grief.

If you didn't have the 10 percent in front of you to look at and you say just do something that everybody can agree, including the Technical Committee, is a step in the right direction, that might get some movement.

Forget trying to get to that 10 percent. The hard part -- and this is where Ernie's idea comes up -- is to try to do something constructive in each area.

The hard part is going to be having the LCMTs come up with that particular constructive measure. Now, it's not going to be hard for Area 3 or Area 2, because they really have it already.

They've got it. They know what they're going to do. Area 1 is going to be the hard part where the LCMTs have to come up with something and the problem, of course, is how can it be universal?

That's going to be one of the problems because they may come up with, well, they only go lobstering on Tuesdays and Thursdays with their eyes shut, which is debatable. So that's going to be the hard part.

But eliminate the 10 percent structure, trying to work towards putting something that everybody agrees is a step in the right direction in place, of which 2 and 3 are basically done, and sliding or taking a look at the 2005 deadline; and if you can't make it, be willing to slide it a couple of years as long as there is something going on. Meanwhile, off to the side all these other recommendations can be looked at. I think that would be the best way to proceed. Ernie's idea of doing that one thing in Area 1 is probably going to be the hardest nut to crack of that idea.

CHAIRMAN COLVIN: Jim.

MR. FAIR: Yes, I hope no one misinterpreted my comments. I was just thinking out loud, but I've been trying for 25 years to address the growth overfishing in the Gulf of Maine, and I hope to be able to have some impact on that before I retire, but I'm not confident of that.

MR. LAPOINTE: When are you retiring?

MR. FAIR: Probably pretty soon. I think, obviously, we need to move forward with a lot of these measures, and I think that we have an assessment now that shows that we are growth overfishing.

I think that if we address that concept rather than egg production in some way, at least in our presentations to the fishermen, that they can grab a hold of that in a better way than they can the egg production model.

I firmly believe that addressing growth overfishing will bring us to the point where the other issues like egg production are adequately addressed.

CHAIRMAN COLVIN: Let me get Ernie because I think he wanted to respond to something that was said, and then I'll come to Harry and then we're going to break for lunch.

MR. BECKWITH: Yes, I think you all know what I'm thinking, and I'll put it right out there so we can think about it over lunch, but I was thinking about a modest gauge increase or increases over some period of time -- perhaps up to two years.

I understand that's problematic for the Gulf of Maine, but perhaps what you could think about over lunch is that is there some other measure that you can put forth for your area as a good faith effort that has some meaning towards conservation?

I could be wrong, but I would speculate that most of the other areas would go along with a modest gauge increase, so I would just ask you to think about that or some other measure that you could put on the table that would be similar in effect.

CHAIRMAN COLVIN: Harry.

MR. MEARS: I would agree with the previous comments, which Jim made, that we need to focus certainly part of our tasks ahead on looking at growth overfishing in more detail, coming to some consensus as a management board.

What are the involved objectives? What are the involved issues? What are the involved implications? How do those issues relate to what the Peer Review also confirmed to be as a situation where we also have recruitment overfishing occurring?

Given where we are in the last three years, I would support the comment which Ernie also just made. I think we have several conservation management teams that seem to have a common theme, that they'd like to look at a gauge increase as one of the possible ways to move ahead to address one of the, perhaps, more effective ways to achieve the management objectives of the Interstate Plan.

The National Marine Fisheries Service also received a recommendation from this group to begin deliberating a gauge increase. Certainly, our response to that has been provided in writing, and it will certainly be reiterated and attempted to be put into perspective in forthcoming rulemaking.

The other comment I'd like to make is I don't necessarily see Options 1, 2 and 3 on page 6 of the PRT Report as necessarily mutually exclusive. I certainly see 3C as being the outlier, and I don't think anyone here would seriously look at that as a viable, serious option to even consider.

Being that we're in the midst of rebuilding a resource, whether it's over a three-year term, a five-year term or whatever, a lot of the issues we're discussing here are common to whatever timeframe and to the shorter term longer term we're addressing.

What I'd like to propose is a combination of 1 and 2 and even to do what we should be doing, and that is to also look at elements of Items A and B to Item 3, and certainly we can move in that direction by continuing to focus on what needs to be done in Addendum II, to continue on a timeframe to implement Amendment 2, to address, as we

should be, the remaining components of the LCMT proposals which have been put forward.

Certainly, this would all be complemented by a decision to move forward and act affirmatively on the PRT and Technical Committee recommendations to establish subcommittees to look at alternate reference points, to focus on the socioeconomics of the management alternatives, which we will be addressing in the short term.

So, I, once again in summary, would favor a combination of elements of all three options here, excluding Option 3C, and at the same time perhaps focus some continued discussion this afternoon on which of the subcommittees and recommendations we have heard this morning that we would think would be most beneficial as we move toward Addendum II to the Interstate FMP.

CHAIRMAN COLVIN: Okay, briefly, Bruce, and then I'm going to break.

MR. FREEMAN: Yes, I just want to raise an issue that's important to us, just to give thought during lunch break. Addendum II had two components, one of which we've been talking about this morning. The other was conservation equivalency.

Over two years ago we had requested a situation where, historically, we've had a very important fishery by the use of non-trap gear. The way the plan was so constructed, those participants were completely eliminated.

And we wanted a provision that those people could be allowed to use traps in the existing fishery. The wording in Addendum I did not provide for this, so it was agreed by the Board there would be two provisions.

One is for Addendum II; one is dealing with gauge or size increase and the other was this conservation equivalency.

We've discussed all morning the one aspect. I want to remind the Board that this is an important issue, one the Board committed to, and one we haven't discussed at all yet for Addendum II.

CHAIRMAN COLVIN: Let's adjourn until 1:00 and, hopefully, at that point we'll be close to having a motion ready for our deliberation.

(Whereupon, the meeting was recessed at 12:05 o'clock p.m., August 24, 2000.)

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#### THURSDAY AFTERNOON SESSION

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The American Lobster Management Board of the Atlantic States Marine Fisheries Commission reconvened in the Washington Ballroom, Radisson Hotel, Alexandria, Virginia, August 24, 2000, and was called to order at 1:15 o'clock p.m. by Chairman Gordon Colvin.

CHAIRMAN COLVIN: The Board will come to order, please. I'll recognize George Lapointe.

MR. LAPOINTE: Mr. Chairman, I have a motion. And on the third part -- well, let me read it and then I will help staff with it because it is written in my handwriting, which they all know too well.

The motion would be move that the Lobster Management Board first adopt and implement the portions of the LCMT proposals for Areas 2 and 3 as previously approved by the Board; secondly, to direct the Technical Committee to begin addressing the questions raised by the PRT -- and inherent in that is a recognition that they're going to have to prioritize those -- and third, to change the timeframe under which the management program rebuilds egg production by adding three years to the current schedule and that the Lobster Conservation Management Teams, where appropriate, be convened to discuss, evaluate and recommend options for reaching the revised egg production targets.

I would leave it there at this point, and I will go help staff with that.

CHAIRMAN COLVIN: Thank you. Is there a second to the motion? Do you want to see it first?

CHAIRMAN COLVIN: Bruce.

MR. FREEMAN: What is the justification, George, for the three-year extension?

MR. LAPOINTE: The justification for a three-year proposal, I've heard a number of comments. One is -- and it's acknowledged in the Peer Review -- we want to look at F-10 and our definitions of overfishing.

Does that mean we want to do nothing until then? No. There have clearly been issues raised by the PRT, by Technical Committee members and my Technical Committee representative about some of the information used in the model to evaluate where we are now.

And this gives some time to do that. We are behind schedule because of waiting on the peer review and the stock assessment. As I said earlier, those peer reviews and stock assessments were far less than clear in what we need to do and so it gives us time to address those targets.

As I have said before and, again, in Area 1, if when we get the Lobster Conservation Management Team for Area 1 together -- that will be in November, likely, the end of November, when our seasons quiets down -- it will take them time to meet with us, come up with recommendations, understand recommendations that come up with recommendations and move forward with Addendum II.

MR. FAIR: Mr. Chairman, I'll second that for discussion purposes.

CHAIRMAN COLVIN: Thank you, Jim. The motion is open for discussion. Ernie.

MR. BECKWITH: Yes, not seeing any discussion, I'll make a comment, and then I will offer a substitute motion. I think what we really should be doing is putting some conservation measure in place across the board for all areas while we give the Technical Committee time to work on some of the issues that were raised in the PRT report, and this motion does not do that.

With that said, I'd like to offer a substitute motion. I move to extend the rebuilding schedule from 2005 to 2007 to allow the Technical Committee time to address the recommendations in the August PRT report and increase the minimum length in two 1/32 of an inch steps, the first effective June 1, 2001, and the second effective June 1, 2002, as a precautionary conservation measure while the Technical Committee completes their work.

DR. RICE: Second.

CHAIRMAN COLVIN: Seconded by Mike. Now, Ernie, do you have that written? I need to ask for help from the staff with this substitute motion, because it seems to me that the motion is calling for a coastwide mandatory gauge increase, which I have been under the impression cannot be done short of a plan amendment. Is that right?

MR. BECKWITH: Mark has the plan here. He and I just checked that. I know Amy and I have talked about this when I was chairman before. But it seems to establish a minimum that you cannot below.

MR. LAPOINTE: We have a minimum you cannot go below.

MR. BECKWITH: Yes, but we're not doing that now. What we're doing is increasing the minimum.

CHAIRMAN COLVIN: I think Jack is checking it while the motion goes up.

MR. LAPOINTE: Mr. Chairman, while he's doing that, we had some earlier discussions. Carl, give me your impression of the views of a minimum size increase for conservation.

MR. WILSON: Well, if you address it on the stock area, south of Cape Cod/Long Island south gets a much better egg per recruit benefit than does Georges Bank or the Gulf of Maine. There is very little benefit with Gulf of Maine and Georges Bank.

MR. LAPOINTE: So enormous pain, little benefit. That's my comment, nobody else's.

CHAIRMAN COLVIN: Jill.

SENATOR GOLDTHWAIT: Thanks. Because I'm always on shaky ground when it comes to reading these, Carl, could you just tell me if I'm reading your charts from the Technical Committee Report correctly, which says that at the Georges Bank area, the gain for a gauge increase -- although this is a bigger gauge increase than the total of what's proposed, the total is 1/16, and this talks about a gauge increase of an eighth of an inch, would get you from 6.4 to 6.8 in the Georges Bank area.

It would get you from 9.8 to 10.4 in the south of Cape Cod Area, and in the Gulf of Maine Area, it would get you from 4.1 to 4.8. Is that what I'm seeing here?

MR. WILSON: Yes.

CHAIRMAN COLVIN: Jack.

EXECUTIVE DIRECTOR DUNNIGAN: Mr. Chairman, I'm looking at the Plan, Section 3.6, which sets up the adaptive management procedures. I've just looked at them very quickly, but it says, "The Board may vary the requirements specified in this amendment as part of adaptive management in order to conserve the lobster resource.

"Specifically, the Board may change target egg production goal, Section 2.5; overfishing definition, Section 2.4; management measures under Sections 3.2 and 3.3; monitor and reporting, Section 4; and recommendations for actions in federal waters, Section 3.8."

It does not reference, specifically, Section 3.1. And it doesn't say specifically, among other things that it can do, it can change the enumerated sections.

So it would seem to me that the way this was written that your adaptive management authority is limited to the sections enumerated in that first paragraph of Section 3.6.

So it would seem to me you don't have the authority by adaptive management -- this is real quick thinking here -- to change on a regional basis mandatory, through all management areas, the minimum size.

CHAIRMAN COLVIN: Okay, do you want to follow up on that advice, Ernie?

MR. BECKWITH: Yes, and I would just point out that George's motion would have the same problem, also. I believe that some of the LCMT recommendations that he referenced also had gauge increases in it, too.

But I would also point out that Addendum II contemplated gauge increases, and I think we all planned to do that by Addendum II.

EXECUTIVE DIRECTOR DUNNIGAN: Yes, Ernie is correct. I'm not saying that I don't think that you have the authority to do gauge increases by addendum. What I'm saying is I don't think you have the authority to mandate them across the board. That needs to come up through the area management process from the LCMTs.

CHAIRMAN COLVIN: Well, it puts the Chair in the position of having to consider a ruling as to whether or not the substitute motion is in order.

MR. BECKWITH: Gordon, can I make a comment before you make your ruling?

CHAIRMAN COLVIN: Yes.

MR. BECKWITH: This motion does not specify how that would be done. You can do it, we assume, by addendum. You can do it by amendment, also. We are going to be working on Amendment 4.

CHAIRMAN COLVIN: Well, from my perspective as Chair, I would be more comfortable if the motion were explicit in terms of how it wished to address that question of a mandatory compliance measure for a coastwide gauge increase; as an amendment or is it intended as essentially a predicated condition of all LCMT plans, so that it comes through area management as a Board dictum to the LCMTs as an area management.

I don't see that there are any other options than those two. And if it's the former, then I'm probably going to rule the motion out of order. If it's the latter, it might be in order, but I would assume that a lot of the Board members would have a problem with that. Bill.

MR. ADLER: I have a serious problem with dictating a management measure like that when we've set up the LCMTs to discuss those very things. And even the proposal that came from Areas 2 and 3, which I have no objection to going along with and going ahead with, but they came out of the LCMTs, and to ram something down onto the other areas that had not put this forward is unacceptable.

CHAIRMAN COLVIN: Pat.

MR. WHITE: I absolutely agree with where Bill is headed, but I also have -- I guess I don't understand the biologic reason for doing this. If you're going to subject, whatever it is, 20 percent of the fishery to a gauge increase -- that would affect 20 percent of the fishery a gauge increase, when the other 80 percent of the fishery in the Gulf of Maine isn't going to be affected by a gauge increase, or gets no biologic benefit from a gauge increase, I don't see why we're considering this on a coastwide basis.

I think what Bill is talking about, if the area LCMTs want to do something like this and feel it's a benefit for their own area, that's fine. But there are other things in the Gulf of Maine that we can do other than a gauge increase that have far more biologic benefit than this does.

CHAIRMAN COLVIN: Mark.

MR. GIBSON: A question was posed earlier to Carl about the conservation benefits of a gauge increase, I think, in the Gulf of Maine in the Area 3 offshore area. Could you just summarize what your response was to that?

My understanding is a very small increase in eggs per recruit. Is that essentially what your response was?

MR. WILSON: For both areas, yes.

MR. GIBSON: And what would be the eggs per recruit benefit from the primary motion that Maine made, in the Gulf of Maine area? There's nothing proposed in terms of a gauge increase there, so there's no conservation benefit there, is there for Area 1?

There's none, so you get more out of the second motion than you do out of the first, even as modest as it may be.

MR. LAPOINTE: If I may respond? I understand that, and that's the reason we would go to the LCMTs. This plan is premised on area management. This plan and this motion says we will go to them to evaluate ways of reaching that.

It's not dictating a size limit increase. Ernie said we want to be sure we're doing something about conservation. It's not embodied in the plan. It doesn't reach 10 percent.

But the state of Maine, in particular, has been doing bucket loads for conservation. We are now implementing limited entry by zones to reduce the number of fishermen. We have capped the upper limit on the number of traps we have.

And those are all things we can identify well. We have capped the buildup that people can do. If I start in the fishery, I can't go right to 800 traps. So there are a lot of things we are doing for conservation.

And what this says is we're asking for the time, based on the assessments, to get the LCMT together in Area 1, Maine, New Hampshire and Massachusetts, to look at those targets.

Can I predict how that's going to turn out? No. But I can guarantee how it's going to turn out if we tell them they have to put a sixteenth of an inch increase in.

CHAIRMAN COLVIN: Just a little bit more in terms of process. We operate off an egg production rebuilding schedule that appears in Section 2.5 of Amendment 3 that outlines incremental increases in egg production for



each of the three assessment areas annually through 2005.

We know that regardless of what motion we might approve this afternoon, that table is out of date. It's out of date because we are not yet at the starting point, and it's out of date because the numbers need to be revised to reflect the updated assessment.

If either of these motions were to pass, it would be necessary to reconstitute the egg production rebuilding schedule through the year either 2007 or 2008, depending on which one, and presumably with interim targets from the presumed date of adoption, which I believe is January 1, 2002, to that endpoint that would represent incremental progress that the LCMTs would need to work towards.

So, unless I misunderstand the intent of the movers of each of the two motions, the expectation I would have, were either of them to pass, would be that the PRT would constitute a new egg production rebuilding schedule through either 2007 or 2008, more or less proportionate to the original table in terms of increases from the current assessed rate to 10 percent, and that instructions would go to the LCMTs to work on plans that would meet those schedules, understanding -- and, of course, this is the mixed message that we send -- understanding that while they're doing that, we're going to continue to look at alternative approaches to establishing reference points for our management and, perhaps, ultimately adopting not one but a series of reference points that would address our objectives more broadly.

Mixed message or not, I think that's kind of where the Board is coming from today. Now, have I misunderstood the intent of either mover with respect to the extension of the egg production rebuilding schedule portion of their motions? Ernie.

MR. BECKWITH: I'm not sure I followed everything you said, Gordon, but I think what I had in mind was that let's take some conservation measure a step forward, because that's what the Peer Review Report is telling us to do.

It's telling us to do something. We've waited a long, long time to figure out what to do. And it may be another couple of years before we are in a position to better determine what we ought to do.

I'm not sure once the Technical Committee and the Stock Assessment Subcommittee go through the process of addressing all of the issues and recommendations in the PRT Report that we are still even going to have egg production as a target.

Maybe it will be something else, maybe biomass F. I'm not even sure what it could be. So, I was a little uncertain. I couldn't quite follow you. You were saying reassess the egg production schedules. and I don't think it's necessary. I think we should just do something and figure out --

CHAIRMAN COLVIN: Well, I'm interpreting your outline of the motion. It says "extend the schedule through 2007." If that's what we're proposing to do, then I think it's --

MR. BECKWITH: No, it said "rebuilding schedule." Okay, that could be something. It doesn't have to be eggs. It could be something else that's your target.

CHAIRMAN COLVIN: Okay, then it's not clear what it refers to. What you're saying is that the motion specifically does not refer to the egg production rebuilding schedule in Section 2.5 of Amendment 3?

MR. BECKWITH: Yes.

CHAIRMAN COLVIN: In the substitute motion?

MR. BECKWITH: It just says that we're going to add two more years to solving our problem in lobsters.

MR. LAPOINTE: Mr. Chairman, implicit in my motion is following another recommendation of the Peer Review, and that's in the absence of another target for rebuilding, that we use egg per recruit, the 10 percent number, until we get a new number.

Do I like the 10 percent? No. Do I want an alternative? Yes. Do I have an alternative right now? No. So, I think that we have to stick with that until we get an alternative.

CHAIRMAN COLVIN: Okay, I'm going to ask the mover and seconder of the substitute motion whether they are willing to add language to their motion that indicates what section of the fishery management plan the gauge increase is being recommended pursuant to.

Is it 3.1 or is it under area management? I'm sorry, but I have to do this.

MR. BECKWITH: I know. I'm sitting here and I'm thinking, well, what is going inside of Gordon's head? I'm trying to second guess.

CHAIRMAN COLVIN: I'll let you know when I figure it out.

MR. BECKWITH: That'll be too late when the trap snaps. My chief advisor to the left here, and I hope he's right, but I don't know, what did you say, Mark, what section?

MR. GIBSON: I said it'd have to be done under adaptive management, under the procedures whereby a PRT has prepared a report to the Board, which has been done, which has recommended some courses of action, and the Board may direct the PRT to prepare an addendum, which I'm anticipating will happen after this motion is approved.

So, it's under 3.6, Adaptive Management, the advice of the Executive Director notwithstanding.

CHAIRMAN COLVIN: So your advice, essentially, would implement it as a coastwide requirement under Section 3.1?

MR. GIBSON: 3.6.1.

CHAIRMAN COLVIN: 3.6 has to refer back to one of the others, Mark. It's either 3.1 or it's 3.3. It's either coastwide or area management.

MR. BECKWITH: I can smell the cheese. Well, I honestly don't know because I can see pitfalls going either way.

CHAIRMAN COLVIN: Yes.

MR. BECKWITH: Why don't you just rule on it, Gordon?

CHAIRMAN COLVIN: I will. I'll rule it out of order because I think that the language of the motion is consistent with a coastwide requirement; and without clarification to the contrary, that's how the Chair interprets it; and based on the advice of the Executive Director, that would require a plan amendment.

And it's possible that an alternative motion could be constructed that gets around that but I think, as presented, this motion does not.

MR. BECKWITH: So are you saying if I had specified that we were to do that by plan amendment, then the motion would be a valid motion?

CHAIRMAN COLVIN: I think if the motion were to direct this pursuant to area management, it would not run afoul of the limitations we have in our adaptive management, but it seems to exclude Section 3.1.

I think there are some obvious problems with that but the Board will rule on it.

MR. BECKWITH: Obviously, I can change my motion or add to it, and then I'd like to do that.

CHAIRMAN COLVIN: That's fine with me.

MR. BECKWITH: And then I'd like the Board to take whatever action they so choose. Help me with the words, but what I'd like to do is say -- and Jack, maybe you can help me -- move to direct the staff to prepare Amendment 4 to the FMP, and just follow with the rest of the words there, to extend

DR. RICE: This seconder agrees with that.

MR. BECKWITH: Sure, that looks good.

EXECUTIVE DIRECTOR DUNNIGAN: Mr. Chairman, of course, we do have an Amendment 4 already. The Board has decided that that is on the priority list behind Addendum II, so you would need to reconsider the priority for dealing with that amendment as a part of your discussion of this motion.

CHAIRMAN COLVIN: Yes, I was going to offer the suggestion that this motion might essentially defer the development of Addendum II and essentially substitute the development of Amendment 4. It would seem to have that effect.

MR. BECKWITH: Yes, right, because we really can't do Addendum II until we resolve the issues we have in front of us.

CHAIRMAN COLVIN: Jill.

SENATOR GOLDTHWAIT: Thank you. Didn't we already approve Amendment 4 to go out to the public, and how do we deal with that issue? Do we retrieve it and revise it?

CHAIRMAN COLVIN: Oh, no, we have not.

SENATOR GOLDTHWAIT: We have not. Thank you. And my other question is I'm still very puzzled by a motion that directs a specific management measure that would, for the Gulf of Maine, give four-tenths of a percent of benefit to the exclusion of a measure, like, say, adopting the maximum gauge, which would give a 250 percent benefit. What's the point of that?

CHAIRMAN COLVIN: Bill.

MR. ADLER: My problem with this, first of all, is what would happen if the LCMT Area 1 meet and they decide that they don't want to do it by a gauge increase? I don't like doing things that supersede the LCMT's ability to make management recommendations to this Board, which is exactly the message you're sending out in this.

Secondly, if this is going -- this is a minor thing -- if this is going through the amendment process, obviously, the dates just won't work that are in this amendment.

But my primary concern is that putting this down on the industry is superseding the LCMT area management way of going and you're telling them there, "We don't care what you think. We don't care what you come up with. You're getting this." And I don't think that's going to fly. Thank you.

CHAIRMAN COLVIN: George.

MR. LAPOINTE: Well, Bill is exactly right. It tells the LCMTs that in Area 1 they can suck eggs, and the state of Maine can't do that. This is completely superseding the process that we had said we were going to do, and should this pass -- and I hope it doesn't -- we're going to have to look at the entire ASMFC Management Plan and Amendment 3 and see where it gets us.

CHAIRMAN COLVIN: Mark.

MR. GIBSON: An addition to Amendment 4 would simply raise the safety net that's already imbedded in Amendment 3. The minimum three and a quarter gauge would be advanced up.

There would still be a safety net increase in all areas, which is, I think, Ernie's intent to get something done fairly quickly. It's true that there are differential benefits in other areas, but it still gives wide latitude to the LCMTs to come up with other creative ways to close the remaining gap.

CHAIRMAN COLVIN: John.

MR. NELSON: Mr. Chairman, could we take a five-minute break for a caucus?

CHAIRMAN COLVIN: Yes, five minute break. Don't leave the room.

(Whereupon, a short recess was taken.)

CHAIRMAN COLVIN: I want to remind the Board that the motion before us is to substitute the substitute motion for the main motion. It is not to approve it. That motion would only happen in the event that it were approved as a substitute.

Before we take any further action, I want to ask if there are comments from members of the public? Bonnie.

MS. SPINAZZOLA: This may be very well what people have discussed, but I believe -- my recollection is that Addendum II has a gauge increase for every other area other than Area 1.

If the Board were to move forward with Addendum II, I think it would more or less take care of Ernie's concerns about the gauge increase being a precautionary measure.

And, because area management is such that one area should not be able to dictate to another area, the Area 1 LCMT could be charged as -- it might have been George earlier who said something about there are other measures that the Area 1 LCMT can come up with other than gauge increases.

Why couldn't the Area 1 LCMT come up with what they would want to bring to the Board as their own precautionary measure? And it wouldn't hold anything back. Everyone would still be moving forward.

CHAIRMAN COLVIN: Thank you. John.

MR. NELSON: I think we do have a basic concept of agreement associated with that general approach. The only thing that we might need to talk about a little bit more is what time certainty we need to have the Area 1 LCMT come back with their recommendations so that it is done in a timely fashion for the Board to act.

CHAIRMAN COLVIN: Ernie.

MR. BECKWITH: I would withdraw my motion if George would withdraw his, and we could get together and try to work something out along the concepts of we have a recommendation from the LCMTs.

I was a little apprehensive about putting them all in there -- let me finish, George, before you raise your hand -- putting them all in there because I can't recall what all the measures were and what was approved.

If I had them in front of me, I'd feel a little more comfortable. I know there was a gauge increase in there. I don't have any problem doing something along those lines, moving forward with the LCMT recommendations.

But what I would like to see in a motion is something that Area 1 would do, also, to put on the table as a precautionary conservation measure. You could leave that up to the LCMT to develop, to come back to the Board in some time certain.

CHAIRMAN COLVIN: George.

MR. LAPOINTE: A couple things, and they relate to my motion, but they fit in. When I added in that motion, it was my intention under what I have under numeral 1, "adopt and implement the portions of the LCMT proposals" -- I had for Area 2 and 3. That's because that's what I took out of part of the PRT report.

If it is appropriate, that should say "implement those LCMT proposals approved by the Board." If that is Area 2, 3, 4, 5 and 6, that would be my intent. And then others have mentioned under 3, having the LCMTs -- and this is LCMT 1 -- convene, evaluate and recommend options for reaching EPR targets.

It was mentioned by my colleague from New Hampshire "by June 2001." Jack, where's our June meeting next year?

EXECUTIVE DIRECTOR DUNNIGAN: Alexandria.

MR. LAPOINTE: By June 2001 is fine. It might be April somewhere farther north of here, but we would work that out. Is that consistent with what you're looking for?

MR. BECKWITH: What did you say about Area 1? I didn't hear anything about Area 1.

MR. LAPOINTE: I said that there would be a time certain on when they would recommend options by, and they would come back by next June with those recommendations.

MR. BECKWITH: For all areas?

MR. LAPOINTE: No, Area 1. I mean, I think the Number 3 applies. Are any of the other LCMT proposals outstanding? I think the answer is no, isn't it? Thank you. So, I mean, that would be specific to those LCMTs that still need to report. That means Area 1.

MR. BECKWITH: A couple of questions. What kind of measure or target would you direct the LCMT to respond to?

MR. LAPOINTE: Under what I was discussing, and because in the absence of another proposal, we would revise the rebuilding schedule that is contained in Section --

CHAIRMAN COLVIN: 2.5

MR. LAPOINTE: -- 2.5, thank you, of the plan, and the next step would be to kick into January 2002. I don't know exactly what that would be, but Area 1, specifically, is at 4.1 now.

The next target for 2001 is 5.5. Say, it's somewhere in the nature of 5. That would be their first year target, and they'd have a schedule to meet the rest of those steps up.

MR. BECKWITH: Okay, I think we're making progress. Let's talk about timing. What I would prefer to see is to have measures implemented by next June. I think there's certainly time this fall for the LCMT to meet.

MR. LAPOINTE: Fishing season.

MR. WHITE: Ernie, the only concern I have with that is I think you can set a timeframe for the LCMTs to meet and reach a conclusion on something, but you then can't blame them for our lack of ability to move something forward, whether we can or cannot -- I'm not saying that at this time.

We might be a month or we might be a year putting something forward, but you're putting the onus on the LCMTs to do it.

MR. BECKWITH: If we do it this way -- I won't say George's way, but not the way I propose -- this can be done by addendum?

MR. LAPOINTE: That's correct.

CHAIRMAN COLVIN: Yes.

MR. BECKWITH: Okay, so it is not a full plan amendment. It's something you can do relatively quickly. I understand that you're fishing, but you're not going to fish -- I won't say that.

I would assume it would be sometime this fall after the fall run is over with where the LCMTs can get together. This is a very important issue. I would hope they would make time to do it.

And we would still have time to do an addendum and get the measures in place for June 1st. Now it's either June 1st or it's January of the next year, and that's what we're talking about. I would prefer June 1st. If that's not reasonable or practical, then we could talk about January.

MR. LAPOINTE: Well, I would prefer January 2002 for a couple of reasons. If we want good participation from the LCMT and from other members of the industry who are going to be very interested in what LCMT 1 is going to do, our season runs until -- our strong season -- until November.

So, I mean, I would envision getting them together early December to start the discussions. They're going to need a lot of time, I mean, to try to synthesize all this, and potentially to make a rope for the Commissioner in Maine.

MR. BECKWITH: But, George, they've had years. We've all had years. I mean, it isn't like starting from scratch.

CHAIRMAN COLVIN: Let me offer a suggestion. We've been talking about an addendum, Addendum II, with the notion that Addendum II would get us defined compliance requirements and schedules for implementing them for each of the management areas.

Now I'm thinking, based on this discussion, that maybe that needs to be a two-step process; that what we really need is initially an addendum, again premised on a motion something like what's up there, an initial addendum that redoes the egg production rebuilding schedule and specifies things like the target egg production level for 2002, 2003, so forth, through 2008; identifies the schedule by which LCMTs should complete their plans to meet those requirements; identifies the specific compliance-based implementation measures that are approved from the previous LCMT plans, including the Area 2 and 3 plans and just accepts them right now, without waiting; and then, based on that schedule, understanding that some time in 2001, in the schedule that would be in this addendum, we will have the LCMTs bringing forward their plans; presumably, eventually those plans being approved; another addendum which specifies the compliance requirements for each of the management areas based on those LCMT plans.

If we were to try to do that, I believe that the first of those addenda, based on this motion, could be ready in a couple of months for us to look at.

And while we certainly will not meet in Clearwater Beach as a board, a draft of the addendum could be in our hands by then and available for our approval shortly thereafter.

Now I think that's probably the most logical way to proceed, and it would add the kind of detail to this schedule that I think Ernie is suggesting is necessary. I'm not sure when we will actually meet again.

MS. SCHICK: According to the budget schedule that we have right now, there's no money for Lobster Board meetings outside of meeting weeks in the year 2000.

CHAIRMAN COLVIN: Well, we could meet if we paid for it ourselves. We crossed that threshold yesterday.

We could have a joint lobster/stripped bass meeting. We've done that before.

MR. BECKWITH: Gordon, could you run that by us one more time?

CHAIRMAN COLVIN: Sure. Assume the motion gets passed. Action items in the motion are to adopt and implement provisions of the Area 2, 3 management plans already in place, already submitted and approved; and thirdly, to extend the timeframe through the year 2008.

MR. BECKWITH: Why wouldn't you include 4, 5 and 6?

CHAIRMAN COLVIN: We could, but they just haven't been yet. Yes, that's okay with me.

MR. BECKWITH: Okay, go ahead.

CHAIRMAN COLVIN: And Outer Cape, right?

MR. BECKWITH: Yes.

MS. SCHICK: Just to make a point of clarification, in the PRT report it specifically says Area 2 and 3. The reason for that is -- I believe it was in the February 2000 meeting week -- representatives from both of those LCMTs came and petitioned the Board to move forward and implement their proposals regardless of what happened in the stock assessment.

The Outer Cape, Area 4, Area 5 and Area 6 have not come forward with that type of recommendation. But if those LCMTs did meet and want to implement right away, that could be folded into a first addendum as well.

CHAIRMAN COLVIN: I think, Ernie, as you and I know, Area 6 might want to revisit the entire issue based on the updated assessment and other things. So, I think maybe -- you know, it's the Board's choice, but operating on the assumption that it's 2 and 3 for the reason that Amy stated, those being the action elements of the motion, we would begin immediately that the PRT would write an addendum that would identify an implementation schedule for the Area 2, 3 management plans previously approved, that would adopt them and make them compliance measures.

It would also include a revised and updated egg production rebuilding schedule extending from January 1, 2002, until the end of 2008, with interim steps for each of the three assessment areas to be the guidance that the LCMTs will need to use to determine what changes they wish to make or what changes, in the case of Area 1, they wish to institute, what measures they wish to institute to comply with this revised schedule.

It will also include a schedule or a deadline, if you will, for the submission of the management plans by the LCMTs at the appropriate time in the year 2001; the presumption being that such an addendum could be adopted relatively quickly, and then the necessary guidance would be in place to convene the LCMTs late this fall and this winter, as we originally planned to do, and to allow everyone to proceed a pace to implement the necessary regulations in Areas 2 and 3 or for Areas 2 and 3.

I think it might also help the Service, but I'll let Harry speak to that in terms of moving forward with their regulatory action. Do you want to address that issue, Harry?

MR. BECKWITH: Actually, before you do that, so I don't lose track of where we are, could you finish. I've got



one question. And this is the first part?

CHAIRMAN COLVIN: Yes.

MR. BECKWITH: You said there's a second part.

CHAIRMAN COLVIN: Well, the second part is what we always assumed Addendum II would be. And that is that some time next year the LCMTs will bring forward their plans to institute measures pursuant to the revised egg production rebuilding schedule for Technical Committee evaluation and Board approval; and that once those plans are approved, an addendum is written that essentially makes those management measures, adopts them, directs their implementation as compliance measures under Amendment 3.

MR. BECKWITH: Okay. I think I agree there's a need to have structure and goals in the short term; the short term being not out to five years from now but in the next couple of years.

I think we have to provide a mechanism to move forward in the next couple of years, but we have to be, also, aware of the fact that we have some real serious problems here, and we need to be addressing those and recognizing that the whole management program can be changed quite dramatically.

That has got to be in the motion, too, because if you set up a process based on the F-10 values we currently have in front of us, that's a problem because a lot of us don't have any confidence in that at all.

I mean, there has got to be a caveat in there that says, okay, this is fine because we need to know what we're doing in the next couple of years, but the real important thing is to get back to the work and figure out exactly if we have a problem; and if we do have a problem, how large it is, and then figure out a better strategy for management.

CHAIRMAN COLVIN: And I believe that the second part, item two in this motion, was intended to address that. While the words are brief, the language it refers to is lengthy. Is that correct, George, that's the intent?

MR. LAPOINTE: Yes.

CHAIRMAN COLVIN: And I would also -- see, this is the problem. I'll get back to this issue. It's a mixed message that we send to the LCMTs. We send them one message that says by next April or whatever you will put in an egg production rebuilding plan that gets you there in 2008, but at the same time recognize that while you're doing that and while we're implementing that, we're going to continue to refine our modeling and our assessment methodologies, and that we may well -- and many of us actually hope that we will -- come up with better approaches and better reference points that are more meaningful and that all of us, including the industry, will better accept as relevant to what we're trying to do.

It's a mixed message, but I don't think we have a choice but to send it.

MR. BECKWITH: Yes, I think what's important is the spin that you put on the message. I mean, my spin may have been quite blunt, and it says that we don't have any confidence of where we are or our assessment methods, and we're going to devote a lot of time to really look at the underpinnings of this and probably change the whole thing, whereas the spin that I'm getting off of the message, the motion that we're currently crafting here is that we're going to keep on doing what we have been doing, and then we're going to do some work on some of the problems and maybe it will work out good for us or maybe it won't.

There's a slight difference there, but that's --

CHAIRMAN COLVIN: I can think of two or three other spins as well, one of which might relate to the language of the Peer Review. But, be that as it may, you're right, the spin we put on it is important.

Well, I still have a substitute motion up there. I don't know other than -- let me ask another stupid question. Amy or Jack, I've suggested that we could do this by, you know, one addendum to set the rules and another addendum to carry them out.

On the other hand, do we even need to do the first addendum or can the Board simply provisionally adopt a revision to the egg production rebuilding schedule and give instructions to the LCMTs based on it without doing an addendum, which is, I guess, what we were sort of going to do anyway, although it doesn't get to the issue of making the Area 2, 3 programs enforceable. That, I think you have to do an addendum for. John.

MR. NELSON: Mr. Chairman, does it make sense to only do one addendum, and that does mean that you're postponing enacting Areas 2 and 3 until you have the other areas' recommendations in place so that you can move ahead in a unified approach?

I just want to make sure we've looked at that. And, again, we'd be trying to do it as time certain as --

CHAIRMAN COLVIN: Well, I cut Harry off before, and maybe this is an appropriate time for him to address the Service's perspective on all of this.

MR. MEARS: The one comment I wanted to make about the current substitute motion -- I assume it's still a substitute motion -- would be not to cut out the other four teams that have also deliberated and approved amongst themselves portions of plans which this Board has not yet put forward for public review or public comment through an addendum procedure.

And by those teams, I'm referring to Outer Cape Cod, Area 4, Area 5. Gordon, you already spoke to Area 6. There well might be reasons why they might want to revisit elements of the plan they've already approved and requested from this Board we go forward with.

But certainly, my suggestion here or my recommendation would be to go forward with all LCMT plans that they have approved for public comment. There might well be reasons why Area 6 might want a change, which will come out during the public comment procedures.

But certainly, I think this could very well be alienating Outer Cape Cod, Area 4 and Area 5 that had other elements of plans as well as Area 2 and 3 that they wanted to see go forward.

CHAIRMAN COLVIN: Mike.

DR. RICE: Thank you, Mr. Chairman. As seconder of the substitute motion, I want to just formally state that I would go along with Ernie in terms of withdrawal of this motion if there was some sort of assurance that Area 1 would have some sort of interim management protocols.

CHAIRMAN COLVIN: All right, I'm going to ask at this point whether there is any intent to further perfect or modify the original main motion; and if not, I'm going to take a vote on whether or not to accept the substitute.

George.

MR. LAPOINTE: My intention was to perfect the main motion in two manners -- and let me speak this through before you change it, Joe -- adopt and implement the portions of the LCMT proposals as approved by the Board.

So, it would take out the words "for Area 2 and 3." That means that any approved LCMT proposals could be moved forward. And then secondly, in item three, after the word "EPR targets", I would have "by June 2001."

CHAIRMAN COLVIN: George, with respect to the first part of your motion, let me just see if it is -- and I think this would be sufficient for the record -- is it your intent that those proposals would be implementable for those Areas --

MR. LAPOINTE: That wanted to push them forward.

CHAIRMAN COLVIN: -- 4, 5, 6 and Outer Cape that express, as Area 2 and 3 have already done, that they wish to go forward?

MR. LAPOINTE: Yes.

CHAIRMAN COLVIN: Okay, I want to make sure that's on the record.

MR. LAPOINTE: Yes, that's an important distinction.

CHAIRMAN COLVIN: So we would just bracket the words "for Areas 2 and 3"; correct?

MR. LAPOINTE: I would take that out at this point and -- I'm winging it here -- but "with the concurrence of the LCMTs" or something like that, so that if in fact any of those Areas 2 through 6 and Outer Cape wanted to revisit portions of that, as you've suggested they might, they could with concurrence of the appropriate LCMTs.

CHAIRMAN COLVIN: And June 2001 is the date by which the LCMTs will be expected to produce their recommendations?

MR. LAPOINTE: That's correct.

CHAIRMAN COLVIN: Okay, let me ask, then, if those changes meet the requirements of the offers of the substitute motion?

MR. BECKWITH: Can I confer with --

CHAIRMAN COLVIN: Okay. In the meantime, Senator Goldthwait.

SENATOR GOLDTHWAIT: Thanks. I just have one other language thought on this. Since there has been some talk in I think either the Technical Committee or the Peer Review Committee about what are the best measures of stock health, that perhaps we slightly broaden that language by saying, "recommend options for reaching revised EPR or other selected targets by June 2001", which would leave the latitude if we have some brilliant breakthrough on a better measure than EPR, to use that.

CHAIRMAN COLVIN: Would "Board approved" be appropriate instead of "selected"?

SENATOR GOLDTHWAIT: Yes.

CHAIRMAN COLVIN: Ernie.

MR. BECKWITH: I think we're really moving in the right direction, and I think what needs to be done, though, is that in addition to having a target for the LCMTs to submit plans, we need a target when the plans will be implemented so they just can't keep on submitting plans that don't measure up.

It's got to be some date where they have to put measures in place. Perhaps that could be January 1, 2002. I see some heads nodding over there.

CHAIRMAN COLVIN: Then we could indicate that -- perhaps, after the words "rebuilds egg production with the initial increment effective January 1, 2002, extending until December 31, 2008." Joe, right at the beginning of the parenthesis, before "extending".

DR. JOSEPH C. DESFOSSE: What was that?

CHAIRMAN COLVIN: With the initial increment commencing January 1, 2002, and extending until December 31, 2008. Delete the rest. Is that okay?

MR. LAPOINTE: Yes.

CHAIRMAN COLVIN: Bill.

MR. ADLER: Mr. Chairman, could we clean up the part about "and that the LCMTs be convened to discuss"? I know we're talking about the LCMTs that aren't included in the LCMTs above.

CHAIRMAN COLVIN: Not necessarily, Bill.

MR. ADLER: Okay, so is that wording --

MR. LAPOINTE: Add "appropriate" before LCMTs.

MR. ADLER: As appropriate, yes, okay, as appropriate somewhere. Where? After the second LCMTs?

MR. LAPOINTE: I would just put before that "that the appropriate LCMTs be convened".

MR. ADLER: Yes. Yes, just to separate that out.

CHAIRMAN COLVIN: Okay.

DR. RICE: I'll second all of that.

CHAIRMAN COLVIN: Okay, Bruce.

MR. FREEMAN: Clarification on Item Number 2 where the "direct the Technical Committee to begin addressing the questions"; in the document there's, I think, eight recommendations in italics.

CHAIRMAN COLVIN: Right.

MR. FREEMAN: Is that what this is in reference to?

CHAIRMAN COLVIN: Yes.

MR. LAPOINTE: Yes.

CHAIRMAN COLVIN: Yes. John.

MR. NELSON: Thank you, Mr. Chairman. On Item 1, the portion that was inserted as far as the "LCMT proposals as approved by the Board, with the concurrence of the appropriate LCMT"; I think I understand that's giving the LCMTs an opportunity to revisit and I think that's certainly appropriate.

But the proposals have already been approved by the Board. It seems a little awkward going back and saying, "Well, we've already approved these. Do you guys still concur?"

CHAIRMAN COLVIN: We approved them but we never included them in an addendum adopted pursuant to Amendment 3 that made them enforceable and compliance requirements. We never did that because we waited for the assessment.

And the effect of the assessment is to actually change the bar a little bit. In some cases it may be that those original recommendations don't quite get to the new bar. In some cases it might mean that they actually are above that height.

We don't know. And I'm not even going to take time to try to figure that out. All this is saying is right now, before we go through all this other stuff, we're going to -- Areas 2 and 3 and maybe one or more of the others want to go ahead with what they already got us to approve, and we see no reason to hold them up if they want to.

CHAIRMAN COLVIN: Let's go. Let's make it enforceable. Let's get the states and the National Marine Fisheries Service to adopt the necessary regs.

MR. NELSON: Okay, I think that when we had talked about gauge increases before, we had suggested that they should be in sync.

CHAIRMAN COLVIN: Well, that was one of the outstanding issues that had never been addressed. This suggests that we don't need to do that right now.

MR. NELSON: Okay. The only other thing I would suggest is that the states ought to think right now as far as whether or not they can implement whatever comes out of the recommendations by the LCMTs by 2002.

That means that they, therefore, need to plan ahead; and if they have to do it by legislation, they ought to reserve a piece of legislation in order to do that. And if it's by rulemaking then so be it by rulemaking.

CHAIRMAN COLVIN: The point is well made. Bonnie.

MS. SPINAZZOLA: I need to ask for a point of clarification. The way I'm understanding this is that Areas 2 and 3 and any other areas that want to -- whose gauge increases were previously -- and I don't know if we still have Addendum II, anymore -- but were previously looked at as Addendum II will more or less be on the fast track.

You would adopt them and call for implementation today if you approve of this motion. And then when we get to Number 3 to change the timeframe and rebuild egg production with the initial increment commencing January 2002, that would be anything that comes forth for later on after the TC perhaps comes back with some new measures or ideas or whatever. Am I correct? We're all wondering that back here.

CHAIRMAN COLVIN: I think so, but let me explain it a different way that I understand it. The original egg production schedule for Georges Bank and south indicated that there needed to be a very substantial growth in egg production percentage from 1.68 in 1998 to 10 in 2005.

Area 3 came up with a plan that presumably did that. That plan was submitted to the Board and accepted. But, as I said, the Board never took the further action to adopt those recommendations as compliance requirements for Area 3, nor has the federal government yet adopted those as federal regulations for that area.

Now, what this motion would do is based on the desire of the Area 3 LCMT to go forward with those measures now, it would make those measures implementable and required compliance requirements right away.

But, they wouldn't necessarily get to F-10 by 2008. They might get there by 2003 and they might get there by 2010. We'll determine that down the road.

MS. SPINAZZOLA: I understand that. But would that motion, then, allow the Board to make sure that the National Marine Fisheries Service has a recommendation to move forward on gauge increases?

CHAIRMAN COLVIN: I think that the adoption of the addendum would constitute a very strong recommendation to the Service that they go forward with regulations consistent with the Area 3 plan, yes. I've got to come back to Ernie at this point.

MR. BECKWITH: Yes, I will withdraw my motion.

CHAIRMAN COLVIN: Mike, if that's fine with you, then the substitute motion is withdrawn and we can confine discussion to the main motion at this time. Bruce.

MR. FREEMAN: The main motion, as I understand it, would not require any addendum; is that correct?

CHAIRMAN COLVIN: The main motion will require an addendum.

MR. FREEMAN: Because there's nothing up there indicating, but it will?

CHAIRMAN COLVIN: I understand, but I think that it will. Jack.

EXECUTIVE DIRECTOR DUNNIGAN: From the staff standpoint, I think our assumption is that what you're doing is directing us what to include in the draft Addendum II.

CHAIRMAN COLVIN: Correct. Is there other discussion on the motion? Harry.

MR. MEARS: Another clarification in that regard. Is there a time table associated with development of that addendum?

CHAIRMAN COLVIN: Not in the motion, but in a practical sense, we need to have the addendum developed fairly quickly if we are to have it available for the LCMTs to use this winter when we expect them to meet, this fall and winter.

The problem is we have to come up with a date when we can meet to approve it, at the expense of ourselves in all probability. Bill.

MR. ADLER: I thought that all of this was going to be in an addendum, in which case you were going to put in whatever it was that the LCMTs reported back to you by.

You were going to throw that in the addendum so the actual addendum could be done and implemented. Are you going to do an addendum that says that --

CHAIRMAN COLVIN: Yes.

MR. ADLER: -- which doesn't do anything. It just says "go out and come back."

CHAIRMAN COLVIN: Oh, no, it does do something. The first part of it makes the Area 2 and 3 plans and perhaps some of the others enforceable in the near term, almost immediately, whatever date it establishes.

The third part of it provides the instructions, the sideboards, if you will, for the LCMTs.

MR. ADLER: Okay, so in other words, that in an addendum form will actually have those areas -- I'll just say 2 and 3 for now but I know it could be more -- would actually have the details of the Area 2 and 3 plans in it, and it will have the order for the Technical Committee, and it will have an order that the other LCMTs meet and come back by but --

CHAIRMAN COLVIN: Yes.

MR. ADLER: No answer. And that will actually be the addendum.

CHAIRMAN COLVIN: Yes. In terms of the schedule, we will need to work this out. Amy has indicated that she's confident the staff and the PRT can get the addendum written prior to the annual meeting.

And some of us might be able to informally discuss it at that time, but we will need to meet as a Board to approve it. Right now the only time I can think of to do that would be at a time coincident with this striped bass meeting that was discussed yesterday that the states agreed to pay their own travel to, which was to be in November, I believe. Bob is nodding in Providence.

MR. DIETER BUSCH: We're talking about the annual meeting in October or the Mid-Atlantic in December, but those dates didn't seem to fit perfectly, either, so then there will be a special meeting in November, which would

have to be paid for by others.

CHAIRMAN COLVIN: Yes, that was the concept that was discussed. Providence was the place that was mentioned yesterday, but that's not etched in stone either. So, right now I think that's the best answer I can give you, Harry.

We will need to work that out and we will need to communicate further with the Board on that. We need to see, as we get closer to the end of the year, whether our penny pinching has yielded any dividends.

All right, any further discussion on the motion? Seeing none, we'll take the question.

The motion is move that the Lobster Management Board:

1. Adopt and implement the portions of the LCMT proposals as approved by the Board with the concurrence of the appropriate LCMTs;
2. Direct the Technical Committee to begin addressing the questions posed by the Plan Review Team; and
3. Change the timeframe under which the management program rebuilds egg production with the initial increment commencing January 2002 and extending until 2008, and that the appropriate LCMTs be convened to discuss, evaluate and recommend options for reaching revised egg per recruit or other Board-approved targets by June 2001 and implemented by January 2002.

Do you need any caucus time or have we caucused out? All in favor, please signify by saying aye; opposed, same sign; null votes; abstentions. The motion carries unanimously.

Good job, Board, very difficult. Amy.

MS. SCHICK: A question of clarification for staff. Number 2 is to direct the Technical Committee to begin addressing the questions posed by the PRT. There are several questions, and they can be short or they can be lengthy answers.

I know we're over time, but if we can get any direction from this body as to priorities for those tasks and some frame as to how detailed those tasks should be completed, it would assist the PRT and the Technical Committee in carrying out their work and ensuring that the work the Board would like to have done is actually done by those bodies.

CHAIRMAN COLVIN: I'm going to suggest that if Board members want to express themselves on the issue of priorities or areas of greatest urgency, that they feel free to communicate directly with Amy or through their respective Technical Committee members.

If you do communicate anything to Amy electronically, it never hurts to send me a copy so I have some sense of what feedback is coming in. I would appreciate that.

We have a number of additional agenda items and we are slightly past our adjournment time, which I promised to try not to exceed, but we do need to complete several of these items.



I'm going to ask that some of them be abbreviated if possible. The next item is LCMT activity 1/1 through 6/30. Amy.

MS. SCHICK: Included in the packet of materials that was sent to the Management Board prior to this meeting was a memo from staff with minutes to the most recent LCMT meetings.

I don't think I need to go over those in very much detail, just to let you know there have been some LCMT 2 and LCMT 3 meetings. If you're interested in what's happened, please refer to the minutes.

It's basically been reviewing their LCMT plans and discussing issues that have come up in individual areas. If you have any questions, feel free to ask me or the responsible states for those LCMTs.

CHAIRMAN COLVIN: Thank you. Review lobster committee membership, approve PRT nominations. This is an action item pursuant to the revised operating procedures that we've adopted.

It is necessary for the Board to approve membership to the Plan Review Team. We've been fortunate to have a number of people step forward, and they've been working as a kind of a provisional Plan Review Team and done a great deal of work which was reported to you earlier.

But it is nonetheless necessary for the Board to take action to approve the membership. The members of the Plan Review Team at the present are Amy Schick, Dick Allen, Clair McBane, Bill Outten, Bob Ross and Carl Wilson.

And all those folks, as I said, have stepped forward and have been working with the support of their sponsoring organizations. Is there any question or discussion on the membership of the PRT? Jill.

SENATOR GOLDTHWAIT: Move it be approved as presented.

CHAIRMAN COLVIN: Moved by Jill. Seconded, Bruce?

MR. FREEMAN: No.

CHAIRMAN COLVIN: No. Do I have a second to the motion?

MR. ADLER: I'll second it.

CHAIRMAN COLVIN: Thank you, Bill. Bruce.

MR. FREEMAN: I simply have a question, and one of the individuals I greatly respect, Dick Allen, but we have on here an industry representative to a Plan Review Team. My question is do we have such a situation in any other plan review for any other species? And is this going to create a problem in the future?

CHAIRMAN COLVIN: Dieter, do we?

MR. BUSCH: As far as we know, this has not occurred before.

MR. FREEMAN: The reason I mention that, I can see a situation -- and, again, I greatly respect Dick Allen. He puts in a tremendous amount of work; one of the fishermen who definitely devotes time to an issue he thinks

important.

It's nothing personal with Dick, but by so doing this, I could see other groups of the fishery wanting representation. I can see this becoming a very difficult issue.

I think the Board needs to consider this whether, in fact, we want to move in that direction.

CHAIRMAN COLVIN: Let me ask this question. I understand exactly what you're saying, Bruce, and recognize the policy ramifications. I wonder if this is a Board issue or a Policy Board issue because of the fact that a membership of parties other than the organizations that the Board constitutes could occur in any management program.

I'm wondering whether it would be in order to go ahead with the motion, perhaps, for the time being, and then ask the Policy Board for guidance in the future because of the policy ramifications. What do you think?

MR. FREEMAN: Well, it's difficult, again. I would not like to see an individual spend a considerable amount of time and then be told down the line that, "Thank you, but we really don't need your services."

I think it would be unfair to the individual. If he wants to take that risk, certainly he's -- whether that may be appropriate. And it is awkward because of my relationship with Dick in the past; again, as I indicated, one of the representatives for the fishing industry that has spent a considerable amount of time over and above what normally is spent by people who have an interest in a particular fishery.

But it's nothing to do with Dick, personally. It's really the issue. I can see other groups countering, and then it could well be that we have a Plan Review Team that's made up of entire industry. I'm just wondering if that's what we want.

CHAIRMAN COLVIN: Jill.

SENATOR GOLDTHWAIT: I think that if the Board feels that it ought to be reviewed to the Policy Committee, then that appointment should not be made prior to that review.

CHAIRMAN COLVIN: Bill.

MR. ADLER: I would just like to hang this out, and that is that the fear seems to be that if you put somebody from industry or not a science person on to a Plan Review Team, that that's a bad thing.

My question is, so what, if this goes through; and, so what, if on another plan development team, one industry person or one person from the public was put on the Plan Review Team because of expertise? So what? Maybe, that's a good thing.

MR. FREEMAN: Well, if I may, my question would be what if we got 20 applications from industry? What do we use to choose who should or who shouldn't be?

MR. ADLER: What made you choose these other names on the Plan Review Team? Did you have any particular reason why any of these other people are on a Plan Review Team? There must be a reason, some format. Right?

MR. FREEMAN: One reason is that they don't represent the industry we're managing. And in that criteria --

MR. ADLER: Well, the point is that if you were going to have a Plan Review Team made up of a bunch of experts in the field, which I would imagine they are, that's good.

But to have one position, certainly not overloaded or overdone, but if one person were to come out of that particular fishery to sit on a Plan Review Team, what's the harm provided it's not all of them came from that? That's just my thought on looking at it that way.

MR. FREEMAN: I don't want to enter into a long debate, but the issue is, well, what about two? Why one? Why should we only have one?

MR. ADLER: Well, you could have two if your Plan Development Team was that big. But if you're going to have a limit on your Plan Development Team set by somebody for some reason, maybe you could set a limit.

Otherwise, why do you pick four, five people here, besides Dick Allen? Why not three? I mean, that whole discussion. I'm just saying, I don't think there's a big harm if you were to put somebody on a species Plan Development Team. I just don't think there's a big danger there. Thank you.

MR. FREEMAN: I agree, Gordon, with your conclusion that this issue transcends lobster and gets into many other species board and it appears to be an issue that, perhaps, should be addressed at the Policy Board.

I'm not arguing, Bill Adler, against it. I just think we need to have some guidelines if we think that's the way we need to proceed.

CHAIRMAN COLVIN: Mark.

MR. GIBSON: I'd just say for the record that I don't have any intention of withdrawing Dick's nomination. I think the Management Board should act on the motion. And if other management boards have concerns about -- or this one -- how many people from the industry, they can deal with those as the cases come up.

If 20 recommendations come forward, we could easily say 20 is too many; we only want two or five or one and a half, whatever it is.

CHAIRMAN COLVIN: Just for the record, let me just review with the Board what the Charter says: "Plan Review Teams shall be appointed by the Management Boards to provide advice concerning the implementation, review, monitoring and enforcement of fishery management plans that have been adopted by the Commission.

"The size of the Plan Review Team shall be based on specific need for expertise but shall generally be kept to a maximum of six persons."

There is some further discussion about what the Plan Review Team does. It does not include any discussion or elucidation on the question of who shall comprise it.

Contrast that with what the Charter says about Plan Development Teams, you all just read the relevant language: "Plan Development Teams shall be composed of personnel from state and federal agencies who have a scientific and management ability and knowledge of a species in its habitat and an interest in the management of the species

under the jurisdiction of the relevant Board."

MR. LAPOINTE: Read the next sentence. Read "advisors."

CHAIRMAN COLVIN: "Personnel from regional fishery management councils, academicians, and others as appropriate may be included on a PDT."

Again, six members is the general maximum. So, it seems that the Charter would not preclude the participation, as a matter of policy, of a member of industry. Jack.

EXECUTIVE DIRECTOR DUNNIGAN: I think it's also important for the Board, and perhaps the Policy Board, to consider the function that the PDT and the PRT play. These are people who do staff work for the Board.

They hear what the Board wants and they go write it up. They're not supposed to come in with policy orientations of their own. They're not supposed to come in and pursue any particular agendas.

They're not supposed to represent anybody; including if they're all state biologists, they're not supposed to represent in that sense their states. They're here to do staff work for the Board, to write, turn on your computer, turn up your sleeves and get it done.

And I don't know why somebody from industry can't do that as well as somebody from a state or from anyplace else. But, I think that is certainly something that different people might feel differently about than I do.

But we run into this a lot, you know, this representational thing. I have to have "my" person on every PDT in a defensive sense, so that I get protected. And the states are learning, I hope, that they don't need to do that.

That's contrary to the process. Make this a small group that's there to write, to do the staff work for the Board and to pursue the Board's agenda, not their own. And, you know, technical, qualified people are capable of doing that, it seems to me, regardless of who they work for.

CHAIRMAN COLVIN: There is a motion up on the floor. Is there any further discussion on the motion? Dick, did you want to address the Board? You're sure, now?

MR. ALLEN: I better be very brief and non-controversial. I just wanted to point out that in my view I'm not representing the industry. I don't view myself as an industry representative.

I have no formal representative role in the industry. I happen to still own and sometimes operate a lobster boat, but I really think of myself more as kind of an independent lobster conservationist.

So, it's kind of difficult. I know everybody thinks of me as being an industry representative. I don't really think of myself that way and I don't know how people draw lines, if that's any help to you. Thanks.

MR. LAPOINTE: Nobody would argue with the "independent" part, that's for sure.

CHAIRMAN COLVIN: John.

MR. NELSON: I just wanted to say I think Dick has a good heart so we can put him on.

CHAIRMAN COLVIN: Further discussion on the motion? We'll take the question. All in favor please signify by saying aye; opposed, same sign; abstentions; null votes. The motion carries.

The next item is Lobster Health Issues. I hope this will be a brief item. Just to quickly update the Board on matters primarily relating to appropriation of funds to develop and execute a research agenda with respect to the disease problems we've seen in Long Island Sound/southern New England region, I'm going to recognize Ernie to, perhaps, just give you a couple of words on where things stand and offer a motion.

MR. BECKWITH: Oh, okay. I didn't know I was going to have to do that part, too, Gordon, but, okay. Congress appropriated \$7.3 million because a commercial disaster was declared in Long Island Sound.

That money is divided up into \$7.3 for direct assistance to the fishermen and \$6.6 million for research and monitoring. We had been working with the National Marine Fisheries Service in establishing a spending plan that's going to determine how the money is going to be spent.

At the moment it looks like \$2.6 million is going to come to the states of Connecticut and New York, and \$2.5 million is going to go into a grant program that's going to be administered by Connecticut and New York Sea Grants, and the National Marine Fisheries Service is going to get a portion for research and I think it's -- I can't remember the number -- \$800,000 or something like that.

CHAIRMAN COLVIN: \$880,000 I think.

MR. BECKWITH: \$880,000? Okay, anyway, we have at least a couple of groups, kind of comprised of the same people, working on establishing a research and monitoring plan and establishing priorities.

It was felt that there was comprehensive oversight needed to determine what the priorities would be for the research and monitoring plans. And because of some issues with the federal process, it was deemed that it would probably be best done through the Atlantic States Marine Fisheries Commission Lobster Management Board.

And this committee will be a steering committee to have oversight on establishing priorities and for determining how the money will be spent in terms of what kind of research should be done to address the problems we've identified in Long Island Sound. Is that sufficient, Gordon?

CHAIRMAN COLVIN: Sure.

MR. BECKWITH: Okay, with that said, I move that the Board approve establishing an ASMFC Steering Committee for lobster disease research to be appointed by the Chair of the Board.

MR. BRIAN CULHANE: Second.

CHAIRMAN COLVIN: Thank you, Ernie, a couple of other points. There is some hope that there might be some additional funds coming along this way. There was a Senate subcommittee report that appropriated \$250,000 in next year's budget for lobster disease research, focusing primarily on the shell disease problems in Southern New England.

There may, in fact, be other regular FY 2001 federal approps for lobster disease work of a more general nature.

The expectation here is that, as Chair, the initial membership of the committee that the motion proposes would consist of the resource management agencies, DEC in New York, DEP in Connecticut, the two state sea grant organizations, the National Sea Grant Program, the Northeast Regional Office and Northeast Fisheries Science Centers of NMFS, the EPA-Long Island Sound Project Office, ASMFC staff, and one or more industry representatives.

And that in time, if additional funds are forthcoming, that additional members would be added to the committee, reflecting the broadening of the financial support for the disease research program.

As Ernie indicated, the committee initially will have as its primary charge the management and oversight of the appropriated funds for the declared Long Island Sound Fishery Disaster.

In addition, I would expect the committee to regularly report to the Board on the results of the research and the implications of the research program for our management program, as well as developing recommendations to the Board on actions that it might take in support of lobster health issues and needs.

With that background, are there any questions or any discussion on the motion? Seeing none, we'll take the question. All in favor, please signify by saying aye; opposed, same sign; abstentions, abstention by the National Marine Fisheries Service; null votes. The motion carries. And I thank you.

NMFS status report.

MR. MEARS: We continue to be in rulemaking. What I can share at this point is that we'll likely see some of the recommendations from the Commission which have been made to the National Marine Fisheries Service appear under separate cover.

For example, the request for a waiver of gear restrictions for the black sea bass fishery in Area 5 will quite likely appear by itself by in parallel to the larger action that addresses the remainder of the recommendations under Addendum I.

We continue to look forward to publication and public comment of the environmental impact documents in the near future.

CHAIRMAN COLVIN: Thanks, Harry. Any questions? Bruce.

MR. FREEMAN: When can we expect the regs, Harry?

MR. MEARS: Soon.

MR. FREEMAN: That's what you said three months ago.

MR. MEARS: Unfortunately, Bruce, I can appreciate your interest in the specific timing of this, and I am equally, if not more, interested and I am unable to give you that answer.

MR. FREEMAN: Well, Mr. Chairman, in all fairness to Harry, I'm sure the answer he has given is the best he can, and I'm sure there are legal issues that are being discussed to hold this up.

But the great frustration we exist, as you have experienced in New York, the difference in rules, enforcement problems. This is not the way to operate fisheries management. Thank you.

CHAIRMAN COLVIN: Thank you, Bruce. The next agenda item is Advisory Panel report on June 2000 meeting. Dave.

MR. DAVID SPENCER: Thank you, Mr. Chairman. I'll be very brief. Our first topic of discussion were the Amendment 4 issues. The first one discussed was the equivalency measures for the Outer Cape.

There were some specific concerns in that there really was no equivalency for V-notched lobsters. There were some concerns about trading off two to three pound lobsters for one and a quarter pound lobsters.

The second item that we discussed in that regard was the 100/500, and there was discussion that most mobile gear fishermen have a federal permit. There are approximately 10 that don't; therefore, even if conservation equivalency were allowed in state waters, the federal permit holders would be bound by the most restrictive measures.

There was a general feeling on both issues that the industry had worked hard to get both items in place and were reluctant to change them. And, as well, there was sentiment that breaking into these sacred seven items would be a bad precedent to set.

We did take a vote on both of these issues, and it was ten in favor of not including these or not approving of these in Amendment 4 and one saying that they should.

The next item we took up with some irony was the composition of the Advisory Panel. The action was already taken by the Board when we were asked for our advice. But basically, what it is is we would prefer that the Advisory Panel remained as it was for several reasons.

We had some concerns that there would be representation of all areas and all gear types under the new composition, and we also felt that this group had been together for quite some time and had worked well, and it was not advisable to change it right now.

The third item that we discussed, we had a request to discuss transferability -- not trap tag transferability, but the actual transfer of trap allocations. We discussed it very briefly and came to the conclusion that it would be in the best interest, we felt, for everybody that ASMFC sponsor workshops for this subject.

We didn't feel we knew the issue well enough to adequately discuss it, and that's probably the same throughout the industry and felt it would be a good opportunity for a lot of questions and answers and to let people make an informed decision.

It would be very similar to what took place for the historical participation workshop, which I thought was very successful. Thank you.

CHAIRMAN COLVIN: Thank you, and let me acknowledge that this is David's first Board meeting as Chairman of the Advisory Panel. We welcome him to the madness and appreciate his participation as part of the team. Are there questions on the AP report? Jill.

SENATOR GOLDTHWAIT: Not a question on the report so much as what happens to this process-wise for us? We're looking at an amendment that has, I think, if I understand today's actions, two components, both of which were recommended against by a ten to one of the advisors.

Do we simply say thanks for your input and send in on through the process, or does that affect the course that the amendment takes, or --

CHAIRMAN COLVIN: That's up to us and that's the next agenda item.

SENATOR GOLDTHWAIT: Okay.

CHAIRMAN COLVIN: Any other questions? Then let's proceed to that item, Item 14, the review of public information document for Amendment 4, if available -- it is not -- or review issues. Amy, the issues.

MS. SCHICK: I'm just going to give a status report on where the PID stands. If you'll recall, at the June meeting Board members brought forward additional issues that they wanted considered. We came up with a final list of the two issues: conservation equivalency for V-notch protection and conservation equivalency for limits on non-trap gear. Those remain the two issues.

In terms of setting priorities, again, the Board said that Addendum II was going to be it's priority with Amendment 4 being brought up by state staff. The staff from both Rhode Island and from Massachusetts have been working on a draft PID.

Right now we have two documents, one from Rhode Island and one from Massachusetts that need to be merged and put into a presentable format for the Board to review as a public information document that would go out to public hearing.

That's where the current PID for Amendment 4 stands. And as that work is completed, it will be brought forward to the Management Board for action.

CHAIRMAN COLVIN: The sequence of events would presumably be that a public information document would be completed, and if approved by the Board, would then be submitted for public review and comment.

At that point the Board would make a decision based on that comment what, if anything, to proceed with in terms of a proposed amendment. And if there was a decision to proceed with an amendment at that time, it would be drafted and subject to required coastwide public hearings and ultimately brought before the Board and the Commission for final action.

MS. SCHICK: That's correct.

CHAIRMAN COLVIN: That's the process. So we're not even yet at the initial point of requesting any public review and comment on a preliminary public information document.

MS. SCHICK: That's correct.

CHAIRMAN COLVIN: Jill.



SENATOR GOLDTHWAIT: Will the report of the Advisory Panel accompany the PID?

CHAIRMAN COLVIN: Good question. I don't know if we have done that in other -- I think in other cases it's often that we don't have the AP advice that early in the game, so I don't know if there's a precedent here.

MS. SCHICK: It is up to the Management Board what to include in the public information document. If the Board would like to include some statement that the Advisory Panel did not recommend moving forward on this action, it could be included as language to the public information document or the meeting summary, and the AP's recommendation could be added as an appendix.

How the public information goes out to the public is entirely up to the Board in how that information is presented.

CHAIRMAN COLVIN: Jill.

SENATOR GOLDTHWAIT: Is this the appropriate time to request that that be included or is that at a subsequent step?

CHAIRMAN COLVIN: I guess it could be done now.

SENATOR GOLDTHWAIT: I would move that the report of the Advisory Panel from the June 6th meeting be included with the public information document when it's released.

CHAIRMAN COLVIN: Is there a second?

MR. ADLER: I'll second.

CHAIRMAN COLVIN: Second by Bill. Discussion on the motion? Bruce.

MR. FREEMAN: Jill, you indicate that this entire document would be part of the public hearing?

SENATOR GOLDTHWAIT: I'm saying that the portion that refers to the Amendment 4 issues would be part of the public hearing.

I don't know what other states do election-wise, but generally in Maine we have a warrant committee which could be considered to be something of an advisory panel. And the recommendation of the warrant committee is included on ballot items.

So this is a system that I'm quite familiar with. And since we have an Advisory Panel, it seems to me that use should be made of their findings, and what better use than to convey them to the public at the same time as our PID goes out.

CHAIRMAN COLVIN: Mark.

MR. GIBSON: With all due respect to the Advisory Panel, I'm not particularly interested in their recommendation on this issue because this is a matter of asking for conservation equivalency so that states might avail themselves of alternative measures as they see fit to customize their own internal waters fishery as pointed out to state-

licensed fishermen.

So the fact that there was an overwhelming majority of Advisory Panel members from up and down the coast against it, I don't think is particularly relevant here since it's an issue of customizing internal waters fisheries.

We don't really care what Maine wants to do with their lobster fishery, and they shouldn't care what we want to do with ours.

CHAIRMAN COLVIN: Jill.

SENATOR GOLDTHWAIT: Well, I guess you kind of cared on the minimum gauge issue a little while ago, so I think that our caring level goes up and down. But, again, I can't imagine why an advisory panel would care to convene and meet and bother to discuss these things at length and make a recommendation if we're going to say their recommendation isn't really relevant to the issue, and we're not going to make it as public as we do any other document.

CHAIRMAN COLVIN: Further discussion on the motion? All in favor, please signify by saying aye; opposed, same sign; abstentions. I'm going to ask for a show of hands. All in favor, please signify by raising your right hand; opposed; abstentions; null votes. The motion stands at two to two to two. New York votes yes. The motion carries.

Further discussion on the PID for Amendment 4? Seeing no further discussion, we are on to other business. Bill.

MR. ADLER: If I could just one more time go back. The addendum that you're developing, do you have any time schedule for the public to know that it's coming?

CHAIRMAN COLVIN: We're talking about Amendment 4.

MR. ADLER: No, addendum that's going to be done instantly here. Remember the one we --

CHAIRMAN COLVIN: Yes.

MR. ADLER: It's Addendum IV, isn't it, that we're working on?

CHAIRMAN COLVIN: Addendum II.

MR. ADLER: Okay, Addendum II. When is that going to be out to a public hearing or something?

CHAIRMAN COLVIN: Probably not until --

MR. ADLER: The winter?

CHAIRMAN COLVIN: -- october at the earliest, more likely November.

MR. ADLER: Oh, okay, fine.

CHAIRMAN COLVIN: Okay, other business. The first issue was clarifying a statement by Patricia Lawson.

Was that Pat?

MR. WHITE: Yes, and I don't know if Ms. Lawson wants to address it or if she wants me to. I just was concerned about the reaction in yesterday's meeting by a couple of people when she made the statement that the lobster fishermen in Maine were too busy because of the fishing season to be involved in the training for the Take-Reduction Team, training for disentanglement.

I don't think that is true. We have people that are waiting to do it although there are other complications. But it isn't for lack of interest on the part of the fishermen. I just didn't want that perception to go forward.

CHAIRMAN COLVIN: Okay. Is there anything further on that? Is there any further business? Bruce.

MR. FREEMAN: Yes, I sent a memo to the staff relative to replacing our commercial representative, who was Charlie Bergmann, who has moved out of state. We have failed to have a commercial representative from New Jersey.

CHAIRMAN COLVIN: This is to the Advisory Panel?

MR. FREEMAN: This was to staff. This was for the Advisory Panel, that's correct. We have recreational representative, representative dive boat fishery, and we're suggesting to have Captain Warren Apel of Port Monmouth replace Charlie Bergmann.

Warren is also the Chair of the Area 4 LCMT, but he indicated he'd be interested in serving as New Jersey's advisor.

CHAIRMAN COLVIN: Bruce, have we received the AP nomination form for Captain Apel?

MR. FREEMAN: No.

CHAIRMAN COLVIN: I think, ordinarily, that's a prerequisite to Board approval. Would that be right, Tina? Yes.

MR. FREEMAN: Well, I would submit, I mean --

CHAIRMAN COLVIN: You know, I've got one, too, but I'm waiting for him to finish the form before I give it to the Board.

MR. FREEMAN: Well, I thought this was just doable essentially because we only have one representative. He's the person who would submit his name. The other thing that concerns me, if the Advisory Panel meets, we'll again meet with no commercial representative.

CHAIRMAN COLVIN: Yes. And there has been some precedent in the past to provisionally authorize participation by a nominee before the Board approves it. Would that be in order here, Tina?

MS. TINA L. BERGER: Yes.

CHAIRMAN COLVIN: Is there objection on the Board to authorizing Captain Apel to participate before we

formally approve?

MR. FREEMAN: That'll be good.

CHAIRMAN COLVIN: Will that suffice, Bruce?

MR. FREEMAN: Yes, I think it will.

CHAIRMAN COLVIN: Thank you. Mark.

MR. GIBSON: We have a retirement of Bob Smith from the Advisory Panel, as well as Area 2. We'd like the same opportunity for John Sorlien to replace him at least until we have a formal nomination and approval at the -- I guess it would be in October?

CHAIRMAN COLVIN: This is to the AP, now?

MR. GIBSON: Right.

CHAIRMAN COLVIN: Not the LCMT?

MR. GIBSON: No, he was on both, I believe.

CHAIRMAN COLVIN: Yes, but it's the AP that we approve. We don't approve the LCMTs.

MR. GIBSON: Oh, okay. It would be the AP, then.

CHAIRMAN COLVIN: Well, if we're going to do that, let me make the same suggestion. As you know, New York has an additional seat to fill and we've identified a nominee, George Doll, whom many of you know.

As I said, I'm just waiting for George's paperwork at this point. So, is there objection on the part of the Board to affording the same status to these two candidates as we just gave to Captain Apel?

Seeing none, they're provisionally members of the AP pending approval by the Board.

Is there any further business to come before the Board?

MR. LAPOINTE: Motion to adjourn.

MR. WHITE: Second.

CHAIRMAN COLVIN: So ordered.

(Whereupon, the meeting was adjourned at 3:15 o'clock p.m., August 24, 2000.)

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