

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

August 28, 2003

**Doubletree Hotel Crystal City
Arlington, Virginia**

Approved December 17, 2003

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ATLANTIC STATES MARINE FISHERIES
COMMISSION

AMERICAN LOBSTER MANAGEMENT BOARD
MEETING

Doubletree Hotel
Arlington, Virginia

August 28, 2003

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The American Lobster Management Board of the Atlantic States Marine Fisheries Commission convened in the Washington Room of the Doubletree Hotel, Arlington, Virginia, August 28, 2003, and was called to order at 7:30 o'clock a.m. by Chairman George Lapointe.

Approval of Agenda

CHAIRMAN LAPOINTE: Good morning. I'm George Lapointe. I'm the chair of the Lobster Board. Thanks to everybody for showing up a half an hour earlier than we had planned. We have a quorum. Staff will pass around a meeting sign up so we can dispense with calling the roster.

There are meeting materials at the table to my left, your right, that include an agenda, a draft of Addendum IV, some additional materials, some correspondence. The draft agenda from the meeting is different than was in your briefing binder, so make sure you get a copy.

I am going to propose some changes and that is to move Item 8, Stock Assessment Options, and Item 11, an update on the database by Geoff, right after the plan review team report, so we will go 1, 2, 3, 4, 5, 6, 11, 8, and then back to 7.

Actually, I'm not being told, I've been threatened by the executive director with bodily harm if we aren't done by noon. I'm going to try to move the agenda along so we can get done with today's meeting. Are there changes to the agenda at this point? Harry.

MR. HARRY MEARS: Thank you, Mr. Chairman. As time allows, I would like to give an update of where the National Marine Fisheries Service is with regard to processing applications for historical participation in Areas 3, 4, and 5.

CHAIRMAN LAPOINTE: As time allows, we would be happy to hear that report. I'll put it as Item

13. We don't have Other Business, but we do now. Other changes to the agenda? Seeing none, we'll move to Item Number 3, approval of the proceedings from June 2003. Are there changes? Bill Adler, please.

Approval of Proceedings from June 2003

MR. WILLIAM A. ADLER: I make a motion to accept the minutes as printed.

CHAIRMAN LAPOINTE: There is a motion to accept; a second from Pat White. Are there changes to the proceedings from the June 2003 meeting? Seeing none, are there objections to approval of the proceedings? Seeing none, they are approved.

The next agenda item is public comment. We'll take public comment at this time. We will also welcome public comment as we move through specific agenda items. Members of the public? Seeing none, we will move to Agenda Item Number 5, and that is the Massachusetts Outer Cape Cod Conservation Equivalency Proposal. Carrie.

MA OCC Conservation Equivalency Proposal

MS. CARRIE D. SELBERG: At the June board meeting, Paul Diodati presented an Outer Cape Cod Conservation Equivalency Proposal. This summer, staff contacted Paul to get clarification on a couple of issues within the proposal.

He provided those via e-mail to commission staff, and both the technical committee and the plan review team reviewed the proposal.

What we were reviewing it for is to determine if it was conservationally equivalent to the current Outer Cape Cod Trap Reduction Plan outlined in Addendum III.

Both the technical committee and plan review team reports are in the packet, which is the additional meeting materials not included on the briefing CD that was mailed out to you last week and is on the back table.

I'm going to just briefly outline the technical committee and plan review team's reports. First is the technical committee noted a couple of clarifying points that Paul provided in the e-mail, including that this plan was only applicable to the Outer Cape Cod rather than a statewide proposal.

The 25 percent reduction was based on the base year of 1998; and if passive reductions had not reached 25

percent by 2008, Massachusetts would deduct the remaining amount, equally spread over all the fishermen in this area.

The technical committee's conclusions was that the 25 percent reduction outlined in the Massachusetts proposal is conservationally equivalent to the 25 percent reduction outlined in the Outer Cape Cod plan in Addendum III.

The next report is the plan review team report. The plan review team was looking for consistency with the current management program and making sure we highlighted any issues we thought the board should consider.

The plan review team clarified the same key points that Paul Diodati had outlined in his e-mail to staff and just had a couple of issues the plan review team was seeking clarification on or recommendations.

The first is that the implementation date in the proposal indicated 2004, and the plan review team requests that a specific date in 2004 be set.

The other issue we're seeking clarification on is that when traps from one license holder are transferred to another license holder, it was unclear whether that license holder would end up with two licenses with separate identities or if the licenses were somehow combined.

So, before this proposal was finalized, the plan review team was hoping for clarification on that. Also, if non-license holders were capable of purchasing traps or if only license holders were eligible.

The plan review team also recommends any reduction that is needed to reach the 25 percent be done in 2007 rather than 2008, simply because that's how the Addendum III proposal was outlined.

And, finally, the plan review team is concerned about federal permit holders who designate the Outer Cape and are not landing in Massachusetts, and we know that's mostly likely a very low number.

But, that possibility does exist and the plan review team notes that NOAA Fisheries would need complementary regulations in place to ensure that all Outer Cape fishermen are within the same program.

These are all issues that the plan review team is recommending that Massachusetts look at before they finalize the proposal. It's my understanding that Massachusetts intends to take their conservation

equivalency proposal and the Addendum III proposal to public hearing this fall and come back to this board in December with some feedback from their public on which plan they would like to go with.

CHAIRMAN LAPOINTE: We should probably take these one at a time and deal with the Outer Cape conservation equivalency first. Paul, excuse me, would you like to respond to the questions by the PRT?

MR. PAUL DIODATI: Since there seem to be a list of questions, and I don't have that list in front of me, she could either repeat the questions one by one; or, if she wants to give me that list so that there is no misunderstanding in the way that I answer them.

I would prefer to give you my answers in writing on each of those, but some of them are very easy. Our implementation date is set for January 1. January 1, 2004, is the specific date for implementation of the Outer Cape Cod plan.

No fisherman will possess two licenses. It would be one license per fisherman; so if one license diminishes in its traps, there will be a minimum number of traps that license could hold and once you get below that, the license is retired. That's how that would work.

Non-license holders cannot purchase traps. You must have a license endorsed for Outer Cape Cod. And we haven't entertained whether or not 2008 was really the date we needed to reduce to the 25 percent level, but we can certainly adjust for that as time goes on. That's just a clarification issue, I understand.

As far as permit holders with OCC endorsements on their licenses that do not land in Massachusetts, that's a new item to me that I haven't considered before. I don't have an answer for that this morning, but we can certainly look at that and determine how best to handle that. I'm not even sure how large an issue that is.

CHAIRMAN LAPOINTE: My thought is that you'll be asking for board approval of this at the December meeting, I understand; and depending on how the timing goes on Addendum IV, we would be asking NMFS for complementary regulations in the EEZ, and I would suspect we would handle this consistently with that.

MR. DIODATI: Right.

CHAIRMAN LAPOINTE: Questions for Paul? Again, we're not taking action today. It was just presenting the plan review team and the technical committee comments, and this proposal will be brought to the board for our December meeting for approval. Paul.

MR. DIODATI: And I will follow up in writing on each of these items with a written response.

CHAIRMAN LAPOINTE: Great, and thanks for your response today as well. Questions for Paul? Seeing none, we will move to the next agenda item, which is the plan review team report.

Plan Review Team Report

MS. SELBERG: The plan review team has completed the fishery management plan review for this year. I'm not going to step through the whole document. It's included in the same packet that was mailed to you last week.

I'm just going to jump directly to Section 8, which is recommendations and issues. The plan review team has four issues they would like to raise to the board.

The first is concerning ACCSP. The information collected under ACCSP will play an integral role in area management, and the PRT encourages the full implementation of data collection programs to enhance this data collection. We also recommend that states implement logbook programs to collect data that may not be collected through ACCSP.

The second is the plan review team is concerned about the ability of the lobster management program to respond to changing stock conditions and believe this issue should be explored further.

The third is the PRT believes the ability to judge a success or failure of management measures on management area versus stock unit basis is critical and recommend that the technical committee look into this further.

Our final recommendation is the PRT recommends a central database and a standardized format for collecting trap tag information.

We believe this would give the lobster program the ability to identify traps by management area and state and that there would be administrative enforcement and technical benefits to having this information compiled in one location.

CHAIRMAN LAPOINTE: Questions for Carrie or comments? Bruce Freeman.

MR. BRUCE FREEMAN: I'm looking at the Draft Addendum IV, which I believe you referred to, and you indicated Section 8, and there is no Section 8.

CHAIRMAN LAPOINTE: This is the plan review team report.

MS. SELBERG: This is the fishery management plan review.

MR. FREEMAN: Do we have that information?

CHAIRMAN LAPOINTE: It was in the briefing materials that were sent to us on CD-ROM and it's on the back table, Bruce.

MR. FREEMAN: Well, I thought I had all the information on the back table, but I failed to see that.

CHAIRMAN LAPOINTE: Can one of the staff members get one of the plan review reports and give it to Bruce so that he can see what those recommendations were? While Bruce looks at that, Gordon, you had your hand up as well.

MR. GORDON C. COLVIN: Carrie, looking at that fourth recommendation on trap tag information, I'm wondering if the plan review team has information available to it that enables it to draw conclusions about the status of changes in effort in each of the lobster management areas since the inception of the management program?

MS. SELBERG: We haven't been looking at that specifically, no.

MR. COLVIN: I wondered about that, and I raise the issue because we've had some discussion, and there will be a lot of discussion today, about where we are on effort control.

Let me just take note of something that's taken out of Amendment 3. This is a sentence from the executive summary of Amendment 3: "The basic thrust of Amendment 3 is to initiate coastwide measures designed to prevent escalation of effort in the first two years of the plan, followed by additional measures in the out years to reach the target egg production goal."

Discussion about where we are with respect to effort management is difficult if we don't have and we're not kind of accounting for a benchmark on where we

were when the amendment was passed, where we were at the end of the two-year period in which we were to have stabilized effort, and where we have come since then.

It seems to me that it makes sense to ask the states individually or collectively in their reports for each management area to nail down characterization of effort in each of the years annually, I guess, since the management program came into effect.

To me, it ought to be a standard part of our annual report, and I would suggest that the plan review team might want to provide some kind of a summary report on where we stand with respect to effort, and I think we might be somewhat surprised by the results.

I think we'll see declines in effort in some places that may be permanent that we didn't know existed -- I know we'll get into that later -- and we'll see some substantial increases in effort in some places that are going to be problematic. If we don't have that information summarized in front of us, it's going to be very difficult for us to address it.

CHAIRMAN LAPOINTE: Questions or comments? Harry.

MR. MEARS: I would like to emphasize the importance of Item 4, as well, in terms of providing the board some information at least would be indicative of the numbers of trap tags which have been purchased by state and federal permit holders during the years that the trap tag program has been implemented.

I do believe it would be facilitated if in fact, as recommended by the PRT, if that effort were centralized because there appears to be perhaps minor, but yet important, differences in which each of the jurisdictions, including NMFS, interacts with Stoffel Seals in terms of requesting summary data of numbers of trap tags purchased.

If one entity could do this, perhaps through the commission, that this could provide Stoffel Seals with some very clear guidelines that would allow us to have the ability to look at trends through the years.

While they may not be definitive in terms of lobster fishing effort, per se, it certainly would be one of the parameters or indicators that we could look at.

This issue was discussed about three years ago during the early stages of the trap tag program, and I would strongly encourage the board to somehow identify a

means to interact with Stoffel Seals and centralize, at least on an annual basis, a summary of this type of information. Thank you.

CHAIRMAN LAPOINTE: Thank you, Harry. Other questions or comments about the FMP review? From the audience, sir, please.

MR. WILLIAM McELROY: Good morning, Mr. Chairman, thank you. I'm Bill McElroy from the Rhode Island Lobstermen's Association, and I would just like to address your comments in regard to the question of the trap tags that are sold and whether that's a real indicator of any trend in effort.

In my experience in Rhode Island and the Massachusetts area, the number of trap tags sold has virtually no relationship to the amount of fishing effort that anybody conducts. For an example, I'm going to take my clothes off here and say things I probably shouldn't.

I buy 800 trap tags every year because I'm concerned with protecting my future access to the fishery. But in the last two or three years, I haven't taken a deckhand, and I only fished 380 or 400 of those pots. That is a very common occurrence.

And one of the problems that we've seen come up is looking at the trap tags and people, when they hear that there's thoughts of buyouts and thoughts of effort control and what have you, as prudent businessmen, we all try to protect our interest.

Unfortunately, that creates a difficulty for you people because you see us all buying trap tags and think that effort is expanding, where it actually isn't. It's just people worried that rules are going to change that will disqualify them.

There is a fellow in my port. He owns a 65-foot wooden dragger that is falling apart. He's had three open heart surgeries. He's never fished a lobster pot in his life, and he bought 800 trap tags this year because he heard that we were talking about a buyout. So I'm concerned that using trap tag purchases as an indicator of lobster effort is going to give a terribly distorted picture. Thank you.

CHAIRMAN LAPOINTE: Thank you, Bill. I think people recognize that as well. It would be my thought today that we would approve the FMP review and direct staff to do two other things.

One is to address the question of effort as best that can be determined and with the limitations. Some

states have much better means of determining effort than others.

And, secondly, to have staff explore the feasibility of the trap tag database because I don't think they know exactly what it would look like and how it would get done, but also for the limitations on what that database would allow us to look at.

So my thought for the board is that we would approve the FMP review and then direct staff on those two issues. One is to begin exploring with the states what has happened to effort in the respective jurisdictions since the inception of Amendment 3 and then, secondly, to explore how we would put a database together to monitor trap tags. Gordon Colvin.

MR. GORDON C. COLVIN: So moved.

CHAIRMAN LAPOINTE: Moved by Gordon Colvin and seconded by John Nelson. Questions? Bruce Freeman.

MR. FREEMAN: George, do we have any information from the various state enforcements so far is their perception or with violations of people fishing traps without tags?

The reason I ask that is we're seeing increased occurrences of traps that are essentially untagged, and there is no mention of that being a factor at all in this discussion. I'm just curious what information we could glean from our various enforcement agencies on that issue.

CHAIRMAN LAPOINTE: Thank you, Bruce. Joe or Mike, can you respond to that, please?

MR. MIKE HOWARD: Mike Howard, law enforcement coordinator. I'm sitting here with Joe Fessenden. This issue has been discussed to great detail with the law enforcement committee. I would like to reiterate that coastwide there is only one state that has the routine ability to pull and check trap tags, and that is Maine.

New York has a boat that was out of service for six months this year. Maine has been very generous with its adjoining states in efforts to occasionally check traps that are set for compliance with the plans.

But as a general statement, law enforcement, including the Coast Guard, which does not pull any traps, does not have the ability to routinely pull traps and check for compliance. In some random samples

that have occurred, there has been a high non-compliance, but that's not scientific by any way.

The Law Enforcement Committee is looking at, with a graduate student in the Coast Guard, ways to measure our compliance in this specific area at this time. I can tell you routine enforcement of checking traps that are set is not occurring.

CHAIRMAN LAPOINTE: Mike, as follow up, when do you anticipate that report will come back from that grad student?

MR. HOWARD: We were authorized by the committee to conduct a feasibility on how to best check this compliance, and that will be presented at our December meeting. I know that that work is underway through the contacts that has been made with Carrie and other states on that.

The primary concern of the Law Enforcement Committee on trap tagging and compliance with the structure requirements is the labor intensiveness and the equipment required for officers to go out and start pulling traps in any scientific way, and that's what we're looking at, how to best handle that.

CHAIRMAN LAPOINTE: And can we get a report on that from the Law Enforcement Committee at our December meeting as well?

MR. HOWARD: Absolutely, and the presentation on that will be open to anybody who wants to attend. I will make a note to try and brief everybody in advance on any efforts that have been accepted or whatever with the committee.

CHAIRMAN LAPOINTE: Great, thank you. Other questions or comments about the FMP review? We have a motion and a second. Are there other questions or comments? Seeing none, is there public comment on the motion before I take action?

Seeing none, is there objection to the motion? Seeing none, the motion passes. Thank you very much.

Our next agenda item is Item 11 and Geoff White is going to talk about the lobster database.

Database

MR. GEOFFREY G. WHITE: Thank you, Mr. Chairman. As the update gets handed out to you, I would just let you know that I met with the technical committee on July 15. They again reviewed draft deliverable from the contractor in terms of the

technical programming, some of the software and the capabilities.

They made several good comments about improving it and having it match what their actual process and needs were and those were in the midst of -- those changes were either made or in the midst of being made.

In terms of the two largest issues that I wanted to let you guys know of, one is the status of data submission from each of the partners, including all of the states and National Marine Fisheries Service.

We have either received the data or received commitments from states to receive that data by the end of September. There was a lot of discussion about it at the TC meeting in July, and I've received a fair amount of data since then, as they've completed that work and sent that in to me. So, we do expect to see most of those by the end of September.

I want to thank you and your staff for putting the time and the effort into providing that to us so we can move the database forward. In terms of a timeline for completion, we are behind schedule.

There's three bullets on your sheet in terms of why we are behind schedule at this point. The first was a long delay of the funding arriving to the commission so we could start the project, from NMFS to the commission.

The second is the contractor has been a little bit slower than promised and expected in terms of delivering this system to us. We expected to have the completed software in June, and at this point it is going to be delivered to us in early to mid-September. That's for the actual development of the -- you know, basically building the empty house, not having data in it.

The third part of the delay is the data conversion from each of the individual formats from all the states going into this centralized system. A lot of that has been delayed by the data submission from the states and a little bit of the contractor's time to get that software built and tested.

So we're a bit behind, and hopefully in September when we get the data and the contractor is able to create the software for the final data conversions, that will be delivered to the commission. At that point, commission staff, myself with some help from ACCSP staff, we'll need to actually load the data and perform the conversions.

Based on experience from ACCSP, when they were putting the first data loads in, there are typically problems and delays with that, so we're expecting that to take some time.

The second part that will also take some time is once the data is loaded and giving it back to each data source, whether that is the states or the feds, to verify that the data is correct.

Therefore, we're looking that we won't have a functional system until some time in 2004, and we hope to give you a more specific timeline when we really know what is happening in December.

CHAIRMAN LAPOINTE: Thank you, Geoff. A couple of comments. One is if you are near the end of September and there are individual states who still haven't supplied data, I encourage you to work with the directors and the chair of this committee to put the thumb screws on those guys.

Because, when I read the data won't be available until sometime in 2004, I suspect that cascades directly into the update on the stock assessment we're going to have in a minute; and until we have that data, everything gets slowed down. That's my comment at this point. Questions or comments for Geoff? Pat.

MR. PAT AUGUSTINE: Thank you, Mr. Chairman. Can you develop some kind of a timeline and work backwards to it? The survey will be done when, May, June?

CHAIRMAN LAPOINTE: The which?

MR. AUGUSTINE: The new report that you're looking towards.

CHAIRMAN LAPOINTE: I think Carrie is going to get into that with the next agenda item.

MR. AUGUSTINE: Oh, okay. I was just going to say if you have that date and then work backwards, maybe we can force our software house to do something more. It sounds critical, George.

MR. LAPOINTE: It is critical. But I know the one date that -- until they have data, they can't get the rest of it cascading down, and so that was where my comment was coming from at this point. Other questions or comments for Geoff? Geoff, thanks very much.

MR. WHITE: Thank you for putting me earlier on the agenda, Mr. Chairman.

Stock Assessment Options

CHAIRMAN LAPOINTE: The next agenda item is Agenda Item 8, Stock Assessment Options. Carrie and Bob, and there is a handout for this or no?

MS. SELBERG: Yes. The title is "Lobster Stock Assessment Schedule 2003; Turn of the Crank." It was also included in the additional briefing materials packet. It's a one pager front and back.

CHAIRMAN LAPOINTE: Is it available at the back corner as well?

MS. SELBERG: Yes. It's in that same packet that we've been talking off of with the logo on the front saying "Additional Meeting Materials Not Included on Briefing CD." It's probably towards the back.

CHAIRMAN LAPOINTE: It was the very last document in my packet.

MR. AUGUSTINE: Very last page.

MS. SELBERG: Last page. Lobster is scheduled to go through a turn-of-the-crank stock assessment this year. We are scheduled to complete that by December. A couple of issues have come up.

One there has been a delay in the database, and also both lobster technical committee and management board members have been discussing the possibility of reviewing some of the input parameters, such as natural mortality, for this assessment.

I got feedback on that at the last board meeting. I've gotten feedback on that at the last couple of technical committee meetings. We put together the following three options for your consideration today, and we are looking for guidance from the board on which option, or combination of options, you would like to pursue for this assessment.

Option 1 is no changes in the input parameters. Typically, a turn-of-the-crank assessment, which is what we're scheduled for this year, adds survey and landings data collected since the last assessment and maintains the input parameters and the model of the last peer-reviewed assessment and comparisons of the results of the recent assessment.

The last assessment allows the technical committee to provide advice on the effectiveness of management

measures. This option would provide the board with an updated assessment and would provide comparable results to the 1998 peer-reviewed assessment, but it wouldn't update any model parameters.

The second option is to review and potentially change input parameters. New information on input parameters such as natural mortality have come out and led some TC and board members to consider reviewing these estimates.

This review of the input parameters may or may not lead to a recommendation to change the input parameters, but would allow the technical committee to use the best information currently available to estimate fishing mortality and provide advice to the board.

However, it's going to be more difficult for the technical committee to determine if stock status changes are due to new input parameters or management measures. In addition, this option is going to take more time and lead to various technical committees, including stock assessment and modeling, looking at input parameters at the same time.

The third option is wait for the next peer-reviewed assessment. The technical committee reviewed these three options at their last meeting, and this is their recommended option.

The management board may wish to consider delaying this year's turn-of-the-crank assessment until the next peer-reviewed assessment. The next peer-reviewed assessment is scheduled for 2005, but the board could consider scheduling that for 2004.

This would allow the modeling subcommittee, who is now back up and running, to complete their work reviewing the current model, additional models, and input parameters and would ensure that any changes to the input parameters are reviewed in the peer-review process.

And as I said, due to the delays in the database, it's unlikely, actually now impossible, that the turn-of-the-crank assessment could be completed this year and would likely be done in 2004, meaning the turn-of-the-crank assessment and the next peer review would be happening back to back.

I do want to note with this option that there are clauses throughout Amendment 3 and subsequent addenda indicating management measures that would

be put in place, if necessary, after the next stock assessment.

Area 6 is the first area to have an “if necessary” clause in 2004 to increase the gauge. I think the board should discuss the implications of these measures if they decide to delay the assessment.

The technical committee has suggested that the annual survey trend report could be used as a substitute to determine if these measures are necessary. Since I presented this to the technical committee, I went back and reviewed the management board record on “if necessary” clauses, and the record is quite clear.

Many of the lobster LCMA’s contain “if necessary” clauses in their programs. During the June and October 2001 technical committee review of the LCMT proposals, all the measures, including the “if necessary” measures, were deemed necessary to read F 10 percent.

Therefore, the clauses contained in the management measures are necessary unless a future stock assessment indicates they are not. This clarification was raised in a memo to the management board in January of 2002 from staff.

It was discussed at your February 2002 board meeting prior to approval of Addendum III, that the “if necessary” clauses were necessary unless a future stock assessment deemed them not necessary.

CHAIRMAN LAPOINTE: Thank you, Carrie. Before I go to questions, Option 3, which would be moving up the next peer- reviewed assessment from 2005 to 2004, a question to staff. What would that do with the prioritization on stock assessments commission wide?

MR. ROBERT E. BEAL: The Stock Assessment Committee, the newly formed Stock Assessment Committee is going to meet in October at the technical committee meeting week to discuss what the priorities should be for 2004, and this recommendation could be forwarded to that group.

If you look at the suite of species that are slated for peer review in '04 and '05, there's actually too many to do in both of those years.

There are going to have to be some decisions made by the recommendations from the Stock Assessment Committee, and then in the action plan that is

approved in December there is going to have to be some species pushed back farther than 2005.

But as it stands right now, if this management board wanted to put lobster as a high priority for '04, the Stock Assessment Committee could work with that and make the recommendations back to the Policy Board.

CHAIRMAN LAPOINTE: Great, thank you, Bob. One more question, and this is for Bob Glenn. The second option, changing input parameters specifically, or the one I hear talked about most is M, natural mortality. Can you give us a sense about what the technical committee, how they view that issue? We might as well know that before we start the discussion of the three options.

MR. BOB GLENN: That issue with changing any of the input parameters, whether it be M or maturity, fecundity, whatever, there are a bunch of different biological parameters that could be investigated again and looked at to see if they've changed, as some evidence may have indicated in recent history.

The problem with that is when we make those changes, the board would have no way of knowing whether or not any changes in stock condition were simply an artifact of changing those parameters or effectiveness or ineffectiveness of the management plan.

If you go to a full peer-reviewed assessment, what would most likely happen then is that the TC would do both a turn of the crank to give you that updated information and also a full shakedown of every biological parameter gets reviewed before it gets put into the model.

So you would have both estimates, so one estimate gives you a very good — the one where you do not change any parameters gives you a very good indication of where you currently are relative to where you were before the management plan was implemented or at least back to the last assessment.

When you change the input parameters, it probably — what it could do is give you a more accurate assessment of where you actually are, but no good frame of reference relative to where you were before.

CHAIRMAN LAPOINTE: With that clarification, I will open up for questions and comments. Bill Adler.

MR. WILLIAM A. ADLER: Thank you, Mr. Chairman. Bob, but wouldn't that be like having

several indicators or getting going on several different indicators of where the stock is? If you're using one, I understand you're using the same parameters because that is what you've got to compare to others and compare, but you're starting at least starting with another way of looking at it?

Like the Weather Bureau looks at different models to see which one is going to predict snow or whatever. We seem to only have one, and it would be nice to have a couple of things, one saying - and see if they agree. So wouldn't that be starting to get that into focus?

MR. GLENN: Essentially, yes. If you go into a full peer-reviewed assessment in this next year, not only would that include changing parameters to our current models, but it would also likely include addition of other models that the modeling subcommittee are working on so that you would have a range of estimates for stock conditions.

So another aspect too, would be if at that point you would also have estimates from other models and not just the current models with different parameters.

CHAIRMAN LAPOINTE: Other board members? Paul Diodati.

MR. DIODATI: Bob, just to refresh my memory, is it a VPA- structured model that is used?

MR. GLENN: No, right now for lobsters, our assessments are based on a catch survey analysis or what is formerly called a DeLury Analysis, which is based on trawl survey information, and that is what we use to generate F; and then to gauge where F is relative to the reference point, we use the egg per recruit model.

MR. DIODATI: And if you update your input parameters, would you just do it for the most recent year, or would you go back and do a retrospective and change the inputs back over many years and so you would actually be able to put in context the effectiveness of management by doing so?

MR. GLENN: Yes, that's something that we could do. Again, it would all be based on what our terms of reference are for the assessment. If that's something that the board would want to see in an assessment, yes, I would agree, that would be a good addition, to go back and do a retrospective using those other input parameters.

The difficult part is knowing whether or not those estimates that we have for any changes in those parameters were similar back in time or have they changed over time. That could be difficult, but it's certainly something we could investigate.

CHAIRMAN LAPOINTE: Pat White.

MR. PATTEN D. WHITE: Well, I would support the Option 3 because I don't see the worth of trying to change the input parameters if we don't have the information to do it. I would also, I guess urge, that we consider doing the assessment in 2004 if Bob says that is something that is doable. So at the appropriate time, I would be happy to make that as a motion.

CHAIRMAN LAPOINTE: Thank you. Bill.

MR. ADLER: Thank you, Mr. Chairman. You mentioned that statistics are gathered through the landings and trawl surveys, and where does the sea sampling of the traps come in, in one of those --

MR. GLENN: Actually, the assessment includes data from fisheries-dependent and fisheries-independent data sources, including trawl survey information, landings reportings by each of the states and by NMFS.

A very critical part of that data is from the sea sampling and that's what we use to characterize the size structure of the stock coastwide, so that's integrated into all the models as well.

CHAIRMAN LAPOINTE: Pat Augustine.

MR. AUGUSTINE: Are you ready for a motion, Mr. Chairman, or has one already been made?

CHAIRMAN LAPOINTE: Well, we might have some discussion there after -- I mean, I wish I could tell you that waiting until 2004 wasn't the best option, but with the question of the database and whatnot, it seems like it is.

It also strikes me that the question of changing input parameters, but trying to tease those apart from -- the impact of the input parameters and the impact of changes in stock condition suggests to me that we would do a combination of 1 and 3, and I haven't seen Bob go pale yet.

But that way we would get the most up-to-date information, but we would also have the best information to try to tease apart the question of how much of it is changes in natural mortality, particularly

Long Island Sound and Area 2, and changes in stock conditions and impact of the management program. Questions?

I guess before I go to the motion, I will ask if there is any comments in the public. Public comments from the outside? No, I don't see any. At this point, I would take a motion from whoever wants to give it. Pat.

MR. AUGUSTINE: Thank you, Mr. Chairman. I move that the board use Option 3 to pursue the new lobster stock assessment.

CHAIRMAN LAPOINTE: Second by Pat White. But with the inclusion of a turn of the crank so that we can try to tease apart the impacts of the management program from the changes in input parameters?

MR. AUGUSTINE: Yes, I thought that was inferred.

CHAIRMAN LAPOINTE: Thank you. Other questions or comments? Paul Diodati and then Pat White.

MR. DIODATI: As written in the document, it says that the peer- review assessment is scheduled for 2005. Now, I don't think I can support this if we're talking about 2005. I could support this if we're talking about 2004.

CHAIRMAN LAPOINTE: I think that was -- it's a good clarification. It would be my course of action to request to the peer review or the stock assessment group that in fact this be moved up to 2004; and then if we got turned down, if they did turn us down, we would have to go to another course of action. But, my sense is that this will be a fairly high priority. I had Pat White and then John Nelson and then Eric.
MR. WHITE: No, that was my comment, the 2004.

CHAIRMAN LAPOINTE: All right, thank you. John.

MR. JOHN I. NELSON: Thank you, Mr. Chairman. Just to make sure that it is clear on what this motion is saying, it is not just doing a turn-of-the-crank assessment with the new parameters in there. It is, as you have described, they are going to do that plus they are going to do it the old way. Is that correct?

CHAIRMAN LAPOINTE: My understanding is that it would be Option 3, which I've already -- so it would be a completely new peer- reviewed assessment and veneered on top of that would be a

turn of the crank, again to try to tease apart the impacts of the management program as opposed to the impacts of changes in input parameters. Bob.

MR. NELSON: Okay, so that's a combination really of --

CHAIRMAN LAPOINTE: 1 and 3.

MR. NELSON: -- 1 and 3 as you've previously described it, and I just wanted to make sure it was clear to everybody.

CHAIRMAN LAPOINTE: Great. Bob, clarification.

MR. GLENN: I think one thing that the lobster board could do to make that crystal clear to all the committees involved would be, if this motion passes, to start thinking about the specific terms of reference.

That's one way that you could clarify the specifics in the terms of reference. You could tell us to do a turn of the crank with static parameters, do a turn of the crank with changed parameters, and then do a full assessment where we also entertain other models. I think if you include that in the terms of reference, that gives us pretty specific directions as to what we need to do.

MR. AUGUSTINE: Yes, just a further point of clarification, Paul, would you feel better if we just put in there to ensure that this will occur in 2004, to clarify that? If you read Option 3, I had the same feeling.

I thought it was inferred that they were definitely going to move in that direction, so this will be conducted in 2004. Mr. Chairman, what would your preference be?

CHAIRMAN LAPOINTE: Well, I mean we can't -- we aren't in a position to say that it will be conducted in 2004 because we have to go to this other group. But in relaying the information, our desire for that to happen will be relayed to them. Eric.

MR. ERIC SMITH: My question was answered in the response to John Nelson.

CHAIRMAN LAPOINTE: Thank you. Harry Mears and then Bruce.

MR. MEARS: Mr. Chairman, I think it's also important just to clarify that the timing logistics, which Bob Beal previously alluded to, at what meeting and on what occasion would -- and what group would definitely approve this

recommendation if this board voted with this particular option?

I'm assuming it would be discussed by the stock assessment group during the annual meeting and voted upon by the Policy Board at that time; is that correct?

CHAIRMAN LAPOINTE: Bob, please.

MR. BEAL: Thank you, Mr. Chairman. Actually, the Stock Assessment Committee is going to meet in late October, and then the Policy Board will approve the action plan for 2004, which will have the specific species that will be assessed and peer reviewed in '04.

CHAIRMAN LAPOINTE: And so for our December meeting, we would know how the Stock Assessment Committee ranked our request with compared to others?

MR. BEAL: Yes.

CHAIRMAN LAPOINTE: We won't know what the Policy Board has done, but we'll know where we stand on that list.

MR. BEAL: Yes, definitely.

CHAIRMAN LAPOINTE: Thank you. Bruce and then Paul Diodati.

MR. FREEMAN: A question perhaps directed towards the technical committee. As I understand the discussion, the new motion really includes all three options at one point or another.

And I'm just curious, as I understand it, if the data is available in 2004, as just reported by Geoff, the technical committee could do a fairly straightforward, what you call, turn-of-the-crank assessment; and then if you went to Option 2 and looked at changing some of the input parameters, that would be somewhat more complicated; and then 3 would be a fully vetted peer review, which would take more time.

Relative to the motion that I think we all would agree to, would the technical committee begin the first turn of the crank as soon as the data is available or would this be done all at one time?

MR. GLENN: If in fact the board decides to go with Option 3 or a combination of all of the above, we would need the data as soon as possible in 2004, and

we would need to start working on that immediately to do all of those things accomplished.

Because, as you indicated, each layer that you add on increases the time which it would take us to complete that assessment, especially when it comes to flushing out new input parameters as well as new models. So along those lines, we would want to get started right away, I mean, as soon as the data is possibly available.

MR. FREEMAN: I would suggest, George, that the motion be modified to some extent to move forward in that direction in that you would certainly want to move as quickly as possible in doing Option 1.

There's certainly advantages of Option 2 and 3 in as they could be done in sequential form. The information provided to the board would be extremely valuable, and I'm not sure with the existing motion that would be clear direction to the technical committee.

CHAIRMAN LAPOINTE: A question for staff. Even Option 1, or the first part of the motion will require that the data be ready --

MS. SELBERG: We can't start doing the assessment until the database is complete and the database isn't going to be completed until 2004.

What I can suggest is that I start working with the technical committee and interested board members on fleshing out some draft terms of reference for board members to start thinking about at the December meeting.

I would also like to note that the modeling subcommittee is still conducting their work, and that, I think, will help board members think about the terms of reference as well. But we can't start -- you know, I know you're talking about a combination of options, but we can't start turn of the crank until the data is ready.

CHAIRMAN LAPOINTE: Bob Glenn.

MR. GLENN: Along those lines, one thing that we can start doing immediately if we're going to do a full-blown peer-reviewed assessment, is the TC can begin to -- before we have all of the updated fisheries-dependent and independent data, we can start working on looking at the biological parameters and figuring how to estimate those for each of the three stock units effective the next meeting as something that it would be a priority if in fact we were going to do a full-blown assessment next year.

That's something we would start working on immediately.

CHAIRMAN LAPOINTE: I have Paul Diodati and then Gordon and some guy in the audience.

MR. DIODATI: I was just going to recommend that we postpone action on this motion until the staff could maybe develop a written terms of reference that better captures the intent of the board, given the discussion that we're having, and then maybe we bring this back up when we have that.

CHAIRMAN LAPOINTE: My thought is that staff would start would start working on the terms of reference because of this motion, so I guess it's kind of a chicken-and-egg kind situation.

My other thought would be to have Carrie soon write a memo to board and interested parties just outlining the sequence of events and the timing so we can all be clear about how this would move forward, what steps are necessary for action to take place, like the database and the modeling subcommittee, so that we have a clearer idea of how the assessment would occur. I had Gordon Colvin.

MR. COLVIN: Mr. Chairman, I think action is necessary today. I think this motion should be passed. If we don't take action, we need to proceed immediately with a turn-of-the-crank assessment now --

CHAIRMAN LAPOINTE: That's a good point.

MR. COLVIN: -- to have it done because that's our current status.

We need to take action. This action expresses the intent of the board, and there are a million things that can get in the way of getting it done that we can't necessarily foresee today.

I mean, I can only just mention one thing that I hear blowing down the halls of my building, which is that the modeling committee has had a grand total of one meeting since it was supposed to be convened two years ago, or whenever it was.

Now, do we really think that new models that will enable whole new ways of assessing what we're doing is going to be ready by 2004, considering that we've dragged our feet for two years getting the modeling committee going?

I don't think so, but it would be nice now that they are going. It's possible, but we don't know what is going to happen. Let's not kid ourselves.

But what shouldn't happen is that we shouldn't do a half-baked turn-of-the-crank assessment in the fall of 2003. Let's pass the motion, move on, get on with the terms of reference, and get our folks working on this.

MR. AUGUSTINE: Call the question.

CHAIRMAN LAPOINTE: Thank you, Gordon. David Borden and then Bruce Freeman.

MR. DAVID V.D. BORDEN: Thank you, Mr. Chairman. David Borden, Rhode Island, recovering board member. It's always pleasant to follow Gordon, cranky, grumpy Gordon. Just a quick point.

The PDT has come up with a whole new set of recommendations in terms of targets, thresholds, overfishing definitions for Area 2. Will that be included as part of the peer review? I think that would be highly desirable to do that.

CHAIRMAN LAPOINTE: I would direct staff to discuss that in the terms of reference and we'll come back to that in December, David. Bruce Freeman.

MR. FREEMAN: Thank you, Mr. Chairman. My comments are such that I feel very uncomfortable voting for the motion that is up on the board. It simply says proceed with Option 3; and as already indicated, Option 3 is based upon the supposition that the peer-reviewed assessment could be moved from 2005 to 2004, and we don't know if that is true or not.

There's a lot of assumptions. My only suggestion would be to move in such a direction as to indicate to the technical committee to run through these -- let's call them the three options -- as quickly as possible in an orderly manner. That was my only suggestion.

It appears from the comments of Bob that the committee is ready to do that. But, I think when you look on the board and vote on the motion that is up there, it essentially only refers to Option 3.

CHAIRMAN LAPOINTE: Gordon.

MR. COLVIN: I call the question, Mr. Chairman.

CHAIRMAN LAPOINTE: Did anybody else have their hand up? Is there opposition to calling the

question because I think some of the concerns Bruce raised were inherent in the discussion, and so we'll be moving forward in that manner. Eric Smith.

MR. SMITH: I mean, in a sense I agree with Gordon and I agree with Bruce, too, but I think there has been enough discussion that we understand what we really mean by this motion. The problem is two months from now will we remember what we said? We have Joe's record. It might be cleaner to just add two things to this motion so that —

CHAIRMAN LAPOINTE: Add them quickly.

MR. SMITH: Okay. I would move to amend the motion to say the board approve Option 3 for the stock assessment to include a new peer-reviewed stock assessment to be done in 2004, if possible, and including doing the assessment with the old methods and input parameters for comparability.

CHAIRMAN LAPOINTE: The maker and the seconder accept those as friendly amendments?

MR. AUGUSTINE: Yes, I don't have a problem with that.

CHAIRMAN LAPOINTE: That's what I figured, but I just wanted to ask. I'll wait for the staff to put this on the board. We'll look at it and then we'll vote.

MR. SMITH: I'll read it for the record: Move that the board approve Option 3 for a new peer-reviewed assessment for 2004, if possible, and include the old assessment model and parameters for comparability.

CHAIRMAN LAPOINTE: Great and understanding that staff will take both this motion and the record and turn it into terms of reference for December. With that clarification, I will call the question. Is there objection to this motion? Seeing none, the motion carries. Thank you.

Draft Addendum IV

Our next agenda item is Draft Addendum IV. Carrie, I think you wanted to go through the entire summary of the addendum; and then when we get to the Area 2 questions part specifically, we're going to have Bob go through as technical committee chair and then you go through a summary as well. There are drafts of Addendum IV on the back table for anybody who doesn't have multiple copies.

MS. SELBERG: Everyone should have Draft Addendum IV. It was e-mailed out on Friday, I've been passing out copies this week, and there should be plenty of copies on the back table.

Today we're asking the board to review Draft Addendum IV, make any changes, edits that you would like to see and we're anticipating approval of this document for public hearings this fall.

I have specific questions for the board from the plan development team throughout this document, and the plan development team believes that these questions need to be answered before we go to public hearing.

So, we don't consider this document ready to go to public hearing until we get some feedback on some of those specific questions. I'm going to try to be as clear as I possibly can on what questions we feel we need to have answered before we go to public hearing.

As George said, at certain points during the presentation, I am going to hand the microphone off to Bob Glenn, as TC chair, to review the Area 2 technical committee report. I'm also going to hand the microphone to David Spencer, chair of the Area 3 LCMT. He had a presentation prepared for the last board meeting and we didn't have time to get to that, but there was board direction to go ahead and include that Area 3 material in Draft Addendum IV. At those points during the presentation, we'll ask Bob and David to step forward to present those sections.

I wanted to review the timeline that we anticipate for this addendum. This was the timeline that was discussed at the June board meeting. I just wanted to remind everybody. This is on page 2 of the draft addendum if you want a hard copy in front of you.

In June of '03, the board took the plan development team options paper and several other issues and initiated the development of Draft Addendum IV this summer. The technical committee and the plan development team have been working on the content of Draft Addendum IV.

Today the board is reviewing that draft and making any necessary changes, and the rest of this timeline is the proposed timeline, which is we will go to public hearings this fall. The public comment period would be this fall.

In December, the management board would review public comment, review the draft addendum, select the management measures and approve the

addendum, and full commission review and approval at that time as well.

There are four components to Draft Addendum IV. The first is to do with vent sizes, based on a recommendation from the technical committee. The second is the most restrictive rule, a change in interpretation of the most restrictive rule, and that comes from a subcommittee of board and AP members.

There are Area 3 management measure proposals. This comes from an Area 3 LCMT proposal. And, finally, there are Area 2 management measures. I note in the document that the board has the option to separate these at any point.

They are not tied to each other and they can go on different timelines if they need to. We are trying to keep them on the same timeline for public hearings, but they can be separated.

The first section is on circular vent sizes. The technical committee made a recommendation to this management board at the June board meeting based on a Massachusetts Division of Marine Fisheries Study for changes in circular vent sizes associated with the two-by-five and three-quarters rectangular vent and changing that circular vent size to 2-5/8.

There is a table in Draft Addendum IV on page 7 at the bottom of the page, and in that table the bold and italics are the proposed additions or changes from previous addenda.

So how I intend to step through this is I'll go each section and then I'll ask for feedback from the board on if you would like to see any changes on the draft addendum in this section. So at this point, I'll be looking for board feedback as to would the board like to see any changes to the circular vent section?

CHAIRMAN LAPOINTE: Board members, changes in Draft Addendum IV to the vent section? I see no comments from board members. David Spencer from the audience, please. LCMT 3 chair, welcome.

MR. DAVID SPENCER: Thank you. I brought it up in the last meeting, and I think it would be appropriate to include the date that this would be implemented for areas that need to go up to a higher vent. It takes a while to get these things changed, and I think a date is also appropriate for public comment. Thank you.

CHAIRMAN LAPOINTE: And has there been a date proposed? I mean, is there a date in the --

MS. SELBERG: I would use the associated gauge increase dates, most likely. I can do that, just use the dates where the various areas go up on the gauge to indicate that is --

CHAIRMAN LAPOINTE: They would go up on the vent size at the same time. Does that make sense to board members? I see heads shaking yes. Thank you, David.

Other questions or comments on the vent size section of Draft Addendum IV? Seeing none, we will move to the most restrictive rule.

MS. SELBERG: The next section in the document is the most restrictive rule. This language was developed by a sub-committee of board and AP members at the suggestion of the AP.

I stepped through an issue paper developed by the subcommittee at the last board meeting in detail, and at that meeting the plan development team was directed to include the language from that paper into the draft addendum.

I have done that, and so I wasn't intending to step back through all of the language in Draft Addendum IV unless board members wanted me to or had any specific questions.

CHAIRMAN LAPOINTE: Board members, this draft incorporates the discussion we had at length at the last meeting. Questions or comments. Seeing none, we will first ask the audience if there is any questions or comments. Seeing none, that will be included in the draft of Addendum IV if it moves forward.

CHAIRMAN LAPOINTE: Bruce.

MR. FREEMAN: The issue on the most restrictive rule, there needs to be clarification on how states would implement this. There's two aspects to it. One is the interpretation and the other is what does a state need to do to make sure its fishermen comply with the rule.

That second phase has been discussed various times and it's still not clear in my mind. One suggestion was the state would have to carry every other state's regulations in its regulations and make every change when those changes occur, which, quite frankly, will be greater than all our regulations at the present time if we're to carry through on that.

There needs to be a practical solution for states to implement and enforce the most restrictive rule, but there isn't much discussion in here on how that is to occur.

CHAIRMAN LAPOINTE: The issue of implementing most restrictive, the board has discussed at length, too, and we've already decided on how to do this a number of meetings ago. The question for Addendum IV, Bruce, is on the interpretation of the most restrictive as it regards to trap tag allocations.

MR. FREEMAN: Well, I think from the public standpoint, that should be included on how it's going to be implemented.

CHAIRMAN LAPOINTE: I mean, I think that's a valid question and topic of discussion for states to engage with their members of the public. But for Addendum IV, the narrow question is the interpretation of the trap tag allocation.

MR. FREEMAN: Well, again, I would submit that there should be something added in here on how it's going to be implemented.

CHAIRMAN LAPOINTE: Gordon Colvin.

MR. COLVIN: Can I suggest that there either be a specific proposal made, preferably in the form of a motion, or we move on?

CHAIRMAN LAPOINTE: You can.

MR. FREEMAN: I'll have a motion later in the meeting.

MR. MEARS: Mr. Chairman, as this document is finalized as a public information document or a draft addendum for public comment, obviously, a lot of the public attention will be focused on how it relates to them and their impacts as it might relate to historical participation in Areas 3, 4, and 5.

My suggestion here, in terms of the examples where it identifies overall trap caps for each of the areas, that there be a footnote somewhere at an adequate section, perhaps under Example 1, where, for example, it references Area 3 trap cap at 2,600 traps. That's for fishing year 2003.

In fishing year 2004, that cap is lower. It goes to 2,267. There needs to be some clarification at some point in the document.

CHAIRMAN LAPOINTE: Good suggestion, Harry. Other questions or comments about this section? Seeing none, we will move to the next part, which is Area 3.

MS. SELBERG: I'm going to ask David Spencer to come up and present the Area 3 LCMT's proposal.

MR. SPENCER: Thank you, Mr. Chairman. The Area 3 LCMT met in May of this year and has a proposal for inclusion in Addendum IV that I would like to briefly run through. It's a plan with two components.

These management measures are in addition to the current Area 3 plan, and we have both active trap reductions and transferability with passive trap reductions. The purpose is to establish a program to sustain the lobster resource by passively and actively reducing traps in Area 3.

It allows for economic profitability through flexibility and supports creative options for future business planning. The first component of our proposal is to formally withdraw a previous proposal that we gave to the board last year for inclusion in Addendum IV.

That was at the end of our sliding scale in the years 2007 and 2008, we had proposed a 5 percent active reduction, 2.5 percent in each year.

We would like to withdraw that, and in our new proposal in the year 2007 and 2008 we would like to propose 10 percent active reduction, 5 percent in each year. We just wanted to make sure that we got our old proposal off the table and this new one on. That's the active component of our new proposal.

The second component of the plan is transferable trap measures and I'll run through the specifics of that plan. We have proposed any transfer would be a minimum of fifty traps. It was essentially for ease of administration, and it's loosely tied to one offshore string.

We didn't want to burden states or NMFS with having to look at transfers of one or two or ten or fifteen traps. These transfers only occur within the Area 3 boundaries. This is strictly an Area 3 plan.

There is nothing there to allow somebody to take an Area 3 trap and fish it in another area or somebody vice versa from an Area 4 going into Area 3. This only affects Area 3.

We felt that any transferable plan needed some sort of anti-monopoly clause. We have included that. Our recommendation is that no entity own more than ten permits, so we have it capped at that.

We also have a conservation tax associated with any transfers. It's a two-tiered conservation tax. We have a 10 percent tax on any transfers where an allocation would end up at 2,100 traps.

If people want to go higher than that, up to 2,600, we are recommending a 50 percent tax. So it's a two-tiered tax, 10 percent up to 2,100. Anything that gets you above 2,100 to 2,600 is 50 percent tax.

We do not recommend leasing. This is strictly sales. We are not interested in leasing at all. And just for clarification, the 10 percent tax applies not only to partial transfers, but when somebody sells their business in its entirety, so there is no loophole here. Any transfer at all comes with a 10 percent tax.

We also, as you know, do have sliding-scale active reductions on the table to start this year. In the event that this plan would be implemented while those sliding-scale active trap reductions are in place, the total allocation will be placed into the appropriate bin and reduce at that level.

And, essentially, just as a refresher, in our sliding-scale reduction plan the people with the most traps reduce the most, and the people with less traps reduce less.

And I don't think it's terribly likely that this will be implemented at the same time, but in the event that any transfer that gets you up to a higher number, you will be reducing at that higher level.

We're recommending that there be notarized documentation with the signatures of both parties for the transfer, and any transfer and new trap allocations will become effective with the issuance of new trap tags at the beginning of the upcoming fishing year.

This is not designed to place an administrative burden throughout the year. It takes place once a year. We have also put a review clause in this plan that we reserve the right to periodically review the components of the transferable plan. I'm happy to take any questions or comments.

CHAIRMAN LAPOINTE: Before questions or comments, David, I want to express, on behalf of the board, my appreciation for a really clear presentation.

It makes it easy to understand the proposal and thank you very much.

Board members, questions or comments for David on the Area 3 plan? Pat Augustine and then Pat White.

MR. AUGUSTINE: Thank you, Mr. Chairman. In fact, could I assume that the federal agency -- and maybe Harry can respond to this -- have looked at the ten qualified LCMA and three federal permits, Area 3 federal permits? In other words, have they been asked whether or not there are any restrictions from the federal point of view to doing that?

MR. SPENCER: I can't answer for Harry, but I can tell you we --

MR. AUGUSTINE: I can't ask you either, so, Mr. Chairman, can we ask Mr. Mears?

CHAIRMAN LAPOINTE: Harry, were you paying attention?

MR. MEARS: I apologize, Mr. Chairman. Could you repeat the question?

CHAIRMAN LAPOINTE: Go ahead, Pat.

MR. AUGUSTINE: Yes. I was wondering whether or not you folks have any controls right now relative to ASMFC going forward and requesting a limit of ten qualified LCMA 3 federal permits?

In other words, do you have anything that is an anti-monopoly clause right now that restricts the number of licenses that any particular lobsterman in Area 3 can have?

MR. MEARS: No, we don't.

CHAIRMAN LAPOINTE: Pat White, Ritch, Jerry.

MR. WHITE: I guess it would be for -- I'll start with you, David, if I could. Are you aware, now that the qualification period has ended, what the final number or even an estimate of the final number, of permits eligible for Area 3 are?

MR. SPENCER: I don't know, and that number I don't believe -- it was a two-stage qualification process. There are people that still have until the end of the year to qualify.

I think it was just you had to apply before July 31st in order to continue fishing there. Now there may be

some people that aren't fishing there that will qualify. So, I don't have numbers for you.

MR. WHITE: Okay, and the second question. I was a little confused, through the conservation tax program, is there still a proposed tax cap of either 2,100 or 2,600, regardless of the transferability?

MR. SPENCER: Yes, 2,600 is the absolute highest number --

MR. WHITE: Okay.

MR. SPENCER: -- that anybody can go to, but anything over 2,100 is accompanied by a 50 percent tax.

CHAIRMAN LAPOINTE: Thank you, Pat. Ritch White.

MR. G. RITCHIE WHITE: Thank you, Mr. Chairman. I have two questions for the technical committee on this issue. The first would be I understand that there's a couple of different trap sizes that are fished in this area; and if a smaller trap tag went to a larger trap tag, what would that do to the effort?

And, secondly, if the tag from a boat that, say, fished a hundred days a year went to a boat that fished two hundred days a year, what would that do to the effort? So, how we would we equate that to the 10 percent conservation, and is the 10 percent figure adequate?

CHAIRMAN LAPOINTE: I think in the context of what we have been discussing, it has just been numbers in allocations and doesn't involve the question of trap size, except we do have a maximum trap size in Amendment 3.

I don't think there has been discussion or it's included in any of the documentation about a vessel size or days fished in regard to this plan or any other that we've been dealing with. People should shake their head no if I'm incorrect in that. I don't think that has been part of our equation, Ritch.

MR. WHITE: Then I guess my question is with those issues, I guess I have a concern that the 10 percent -- you know, where does the 10 percent figure come from and would it be correct putting those issues into the equation?

CHAIRMAN LAPOINTE: Please, Bob.

MR. GLENN: There are many factors that affect overall effort and trap numbers is only one of them. And as you mentioned, trap size can affect its efficiency.

Also, the overall number of days fished is also going to have a great impact on effort relative to the total number of hauls. And, in giving advice to that LCMT, these are factors that the TC has taken into account as best they could relative to those things.

You know, there's not a one-to-one relationship between effort and numbers of traps. The Area 3 LCMT came up with this proposal partially because of advice given to them from technical advisors relative to them wanting to ensure that the plan that they put in place was going to be effective.

Originally their proposed plan, as David had outlined, only had a 5 percent reduction in the last two years, and they wanted to take a more conservative approach than what was originally approved.

So, although the technical committee has not formally reviewed this, I can say very confidently that anything in addition to what was already approved, the TC would feel confident that it's going to have a higher likelihood of being effective.

CHAIRMAN LAPOINTE: Thank you, Bob. Gerry.

MR. GERALD CARVALHO: Thank you, Mr. Chairman. I'm not sure if this question was asked and answered yet, and it's for Harry, on the number of permits that are presently out there and what would the number of permits be under this new transferable trap proposal?

CHAIRMAN LAPOINTE: I think the question was partially answered. We don't know the exact number of permits because there has been a two-stage qualification period, one for the end of July of this year for fishing the remainder of this year.

The second will be at the end of the year to move forward into the next year, and the future number of permits depends on how many people take advantage of the trap tag transferability program.

If nobody takes advantage of it, the number of permits would stay static. We would have to ease our way into that to judge how it would play out. I might just ask David if he has got any idea or speculation about how people might take advantage of that, but it would be speculation at this point.

MR. SPENCER: It's pure speculation. We do think that there will be some people that take advantage of it. As you know, we have proposed a minimum of 30 percent active trap reductions. That's a significant amount.

I know anybody here that goes to meetings and talks about taking traps away from people, it's not a pleasant situation. We have agreed to actively take 30 percent of our traps away over all, and it will put some people in positions where the economics of their operation, they may feel a little uncomfortable.

So I do anticipate some people taking advantage of transferability. I will also steal a little bit from the Area 2 plan and say that we are not the youngest group in the world. I think the turnover in this fishery will come sooner rather than later, and you have a guaranteed 10 percent reduction at the turnover of this fishery. I hope that answers your question.

CHAIRMAN LAPOINTE: Gerry Carvalho.

MR. CARVALHO: My concern in the matter, Mr. Chairman, is that under this scheme, how many actual participants are we going to wind up with in the end. And, let's say for an example, I think there's three hundred and some permits out there now; and if the new plan reduces that down to a hundred; and according to their proposal they can hold ten permits, limited to ten each, my mathematics says that it brings it down to ten people owning all the access to all the lobsters in Area 3, and is that what we want? Thank you.

CHAIRMAN LAPOINTE: Thank you, Gerry, and I would think -- I mean, this is the plan that was put forward by the LCMT and those are questions that the people who are concerned should raise during the public hearing process if we move forward with Addendum IV.

Other questions or comments about the Area 3 proposal? Harry and then I'll move to members of the audience and then to the next issue. Harry.

MR. MEARS: Thank you, Mr. Chairman. Again, a similar footnote I believe is needed. In follow-up to my previous comment, where it talks about conservation under 4.2.4, referring to the total trap cap of 2,600, I think there needs to be a footnote that that cap pertains to fishing year 2003, unless there is an intent otherwise.

MR. SPENCER: No, this would not apply to a specific year because that would be -- regardless of year, that would be the total number of traps.

MR. MEARS: Okay, thank you for that clarification.

CHAIRMAN LAPOINTE: Thank you, Harry. Members of the audience, any questions or comments? Dick Allen.

MR. RICHARD ALLEN: Dick Allen, speaking as an independent- fishery conservationist. I just want to say that I think this proposal represents a real step forward in achieving both conservation and flexibility for the industry, which has been very hard to achieve in many of our conservation programs.

I would just address the issue that Gerry brought up about the number of permits, and, of course, this is the big thing everybody is concerned about, consolidation.

It was also raised in a question that the plan review team had about the Massachusetts proposal as to whether a license or permit would essentially disappear if its trap numbers were reduced to a certain point.

The implication there is that the permits go away and you end up with less and less permits; and in terms of keeping the fishery able to adjust to whatever scale of operation or number of people is appropriate, it seems to me that you want to keep in mind the possibility of permits not disappearing just because they have no traps associated with them, and so that new people can come in and get a permit and then build up its number of traps.

The offshore proposal really implies that, because it says that anybody can go fishing offshore if they buy traps that are offshore traps, and there is kind of an implication there that they would have to have a permit to do that.

So, the number of permits is not going to be limited in the sense that we think about it, I think. I would urge you to not put in any requirement that says that permits go away if they reach some minimum number of traps. Thanks.

CHAIRMAN LAPOINTE: Thank you, Dick. Other questions or comments from the audience? Back to the board. Seeing none, we'll move to the next issue, which is Area 2.

Before we do that, I promised Bill Adler that between 10:00 and 10:30 we would take a break to allow check out; so at some time in there, it probably won't be a good break time, we're going to take fifteen minutes to allow people to check out, just to let people know. Do we start with Carrie or Bob? Carrie, please.

MS. SELBERG: For the Area 2 section of this presentation, we're going to start out with a report from Bob Glenn and the technical committee and give the board members an opportunity to ask them questions about the technical committee report.

Then I'm going to go through each of the sections in Draft Addendum IV, the Area 2 section, and I would like to go through the whole thing once, and then we'll go back to each section and take board member questions and edits once we get to each section.

CHAIRMAN LAPOINTE: Eric, please.

MR. SMITH: As you go through this, I admire all the work, the iterative work that has gone on with the LCMT and the staff and so forth, but it is a little confusing to know which document we're working from.

So, when you refer to a certain document, could you make sure it's either by the date of it or under Mark Gibson's memo, for example, for that particular one that came up so that we're aware.

MS. SELBERG: We certainly can do that. And to get started with that, Bob Glenn is going to do the technical committee presentation, and the technical committee report is in two different locations.

One location is Appendix 3 of Draft Addendum IV, so if you want to turn to page 45 of Draft Addendum IV, Appendix 3, that's the Area 2 August 2003 technical committee report and that's what Bob Glenn is going to be working off.

CHAIRMAN LAPOINTE: And then the other part is going to be used when?

MS. SELBERG: And then we'll go back to earlier pages in Draft Addendum IV once he is finished.

MR. GLENN: Just quickly, before I get started, I would just like to note one error that we found in the report that is fairly important. I would direct you to page 3 of this report under the section "Interim Benchmarks", and it affects the last sentence of the second paragraph and also the bullets below.

The last sentence of the second paragraph should read: "However, it is clear that rebuilding to the 75th percentile stock conditions represents a significant improvement to current stock status in LCMA 2." So it's 75th, not 25th. And down below where it says "Proposed Abundance Target," under that bullet, that as well should read 75th percentile and the number there should be 4.10.

MS. SELBERG: Just for clarification, if you're working off Draft Addendum IV, Appendix 3, that's page 47.

MR. GLENN: As Carrie said, this is a synopsis of the Lobster Conservation Management Area 2 goals and management measure report that the TC just recently completed.

This TC report outlines recommendations from the TC on interim benchmarks and total allowable landings, as well as the process used to develop these recommendations.

It also includes specific recommendations on management measures for Area 2. In that particular section, as Carrie indicated, she will give the TC comments as she goes through each management measures in the PDT report.

As an interim approach, while the modeling subcommittee develops recommendations for new reference points, the TC essentially was asked at the last board meeting to come up with a goal and also some benchmarks by which to gauge the progress of the Area 2 LCMA Fishery.

What we did, in speaking with commissioners, is recommend that in light of getting this information in a quick turn-around time, that instead of going with a modeling approach from the modeling subcommittee, that we use basically an empirical approach to track stock conditions in LCMA 2, meaning that we look at their raw trawl survey information and other stock indicators to try to come up with an interim approach to looking at stock conditions.

As such, the TC reviewed trends of recruit and full recruit indices from the Rhode Island Fall Trawl Survey as well as the Southern New England Combined Index, which included data from Massachusetts, NMFS, Rhode Island trawl surveys, as well as a CPUE index that is generated by Dominion Nuclear Power Plant.

Trends from the Rhode Island Fall Trawl Survey Index and the Southern New England Combined

Index were compared to trends in relative exploitation generated from each survey index respectively.

Relative exploitation is a simple index that doesn't have to be modeled; that is, essentially it's the landings in a current year divided by the survey index from the previous fall. What it does is just gives you a relative idea of the degree of the animals harvested relative to the size of the population.

Phase plots of the survey index and relative exploitation indicated a stronger relationship between the Rhode Island Survey, with a R square value of 0.68, meaning that 68 percent of the variance in landings in Area 2 can be explained by fluctuations in the Rhode Island Trawl Survey, which is remarkable.

And also for the Southern New England Combined Index, it had a lower relationship between landings and relative exploitation with an R squared of 0.58.

Despite the risk of increased annual variability by using a single survey index, the TC had more confidence in the Rhode Island Fall Survey Index as an indicator of overall Area 2 stock conditions based on the results of the simple comparison.

As such, the TC suggests adopting the Rhode Island Trawl Survey Fall Index of legal and recruits, sexes combined, lobsters with carapace length greater than 72 millimeters to measure the exploitable abundance in Area 2 on an interim basis until further models can be developed.

As I said before, relative exploitation was calculated as the ratio of total landings in year T divided by the combined survey abundance in year T minus 1. This is not a smooth index. It is not modeled in any way.

It's just a straight relative index. In fact, the relative exploitation rate provides a method for detecting patterns and trends in exploitation.

The index provides no information on the magnitude of the fishing mortality rate and should not be compared to the F 10 EPR reference point. Essentially, what we mean by this is that you need to use a lot of caution looking at the relative exploitation rate.

The effects of fishing mortality, natural mortality, and fishing effort are accounted for within this approach without having to explicitly estimate them because they're all part of the factors that affect the overall abundance and then by putting that into the landings, you get a relative idea.

But again, the board should use caution with this and then not trying to compare it to the F 10 percent reference point. The relationship between relative exploitation and abundance tells a story about the dynamics of the lobster resource in LCMA 2.

I'm going to skip ahead here to this slide. The phase plot of the Rhode Island Trawl Survey against relative exploitation from 1983 to 2002 suggests a strong relationship between lobster abundance and exploitation with a significant negative regression with an R squared of 0.55, and this is statistically significant at less than 0.001.

What I'm going to do is step through this phase plot, and essentially the relative exploitation index is on the X-axis and the survey index is on the Y-axis. In this situation, the survey index is used as a proxy for abundance and relative exploitation would be used for a loose proxy for overall mortality.

If you look at this, you start down in the right-hand corner, it begins in 1983, and in this situation back at that time, using this technique, we were at very high relative exploitation levels. and relative abundance was low.

And then you follow that trend, relative exploitation to the mid to late 1980's, and it started to reduce by quite a bit; and as such, you see the response of the population as the abundance starting to increase as well.

Then this trend continued into the early 1990's, and at that point it tended to rise above median levels of survey abundance index.

And, again, starting in about the early to mid-1990's, the relative exploitation rate, again, began to decrease, and as such, you see a population response up in the upper left-hand corner in the years of 1994 through 1998 where you see high survey indices out of the entire time series.

This occurs over when there are very low relative exploitation rates. And then conversely to this, the lowest survey index occurred in years when relative exploitation was above the 75th percentile.

The 75th percentile in this chart would be -- and if you're looking at a black and white, it would be the vertical line all the way to the right; or on what I have on the screen, it's the vertical red line.

So essentially, when relative exploitation was above that level, you see abundance was low. In contrast,

highest survey index values, when the survey index was above the 75th percentile, which is the highest horizontal bar, or up on that chart the green bar, you'll see that relative exploitation rate at that time was below its 25th percentile, which is the green vertical bar, or the bar furthest to the left.

The survey index remained relatively stable near the median between 1988 and 1992 when relative exploitation was also stable or near the median.

If you look at Figure 6 in your report, this shows fairly well this relationship of that stable period around the median and between 1998 and 1993, you see that both the survey index and the relative exploitation rate over that time period stayed fairly stable around median levels of both relative exploitation and survey index.

This dynamic is a typical population response to exploitation and suggests that relative exploitation may be a useful proxy for detecting patterns in trends in exploitation rates.

If you look at the relationship between landings and relative exploitation, which I'll flip ahead to another phase plot, if you look at the phase plot of landings against relative exploitation, it suggests that in general landings are higher when relative exploitation is near or below the median and are generally lower when exploitation is above the median.

So similar to how the survey abundance behave relative to relative exploitation, landings did as well. And if you remember back at the other phase plot I showed, the highest years of survey abundance were between 1994 and 1998.

Well, similarly, if you look at the Y-axis of landings, those same years up in the upper left-hand quadrant were also associated with the highest landings that occurred in the Area 2 LCMA.

What this means is that the lobster landings have been highest when exploitation is low and when abundance is high, which is what you would expect. The regression of landings on relative exploitation was not significant. It was at the P equals 0.06, which was very close.

However, the pattern is consistent with the expected behavior of landings relative to changes in exploitations, and I think along those lines it tells a decent story of what occurred. Similar to what I showed for survey abundance index, you see that

overall landings were lower in the early 1980's and relative exploitation was fairly high.

As relative exploitation began to shrink or reduce, you see that the landings started to peak. So in general, when exploitation rates are moderate to low, you see both higher abundance in the stock and also higher landings.

Based on this analysis, the technical committee recommends the median relative exploitation rate as a threshold not to be exceeded. Time series data show that relative exploitation rates above the median are associated with low survey abundance.

High survey indices occurred when relative exploitation was below the 25th percentile. Thus, the technical committee recommends keeping the relative exploitation rate at or below the 25th percentile of the 1983 to 2002 time series in order to rebuild the population.

As far as the survey abundance index is concerned, in the absence of an updated assessment, the TC recommends using the Rhode Island Fall Trawl Survey Index to track stock conditions in LCMA 2 and suggest the 1983 to 2002 median as a minimum abundance threshold. The survey abundance was stable from 1988 and 1992, which corresponds to the median.

In the absence of the comprehensive modeling work, the TC cannot determine if the 75th percentile of the Rhode Island Fall Trawl Survey time series represents stock conditions consistent with a rebuilt resource.

However, it is clear that rebuilding to the 75th percentile stock conditions represents a significant improvement to the current stock status and is likely to promote rebuilding in LCMA 2.

So, essentially, what the TC is recommending is something similar to a typical control rule, but instead of having fishing mortality and biomass-based reference points, the TC is suggesting using relative exploitation and survey abundance as proxies on an interim basis until these reference points are developed.

As such, as I said, the thresholds on an interim basis that we would recommend for abundance would be the median survey index, which is 3.39; and for exploitation as well we recommend the median because of that dynamic, and that equals to 1.99.

As far as targets are concerned, the TC recommends the proposed abundance target, based on the survey index, is to be at or above the 75th percentile survey index, which is equal to 4.1; and for the proposed exploitation target we recommend the 25th percentile of relative exploitation, which is equal to 1.34. So you would want to keep it at or below that level.

One of the other tasks associated with making these recommendations was to revisit total allowable landings and to develop basically a total allowable landings that would allow for stock rebuilding.

In order to develop total allowable landings for Area 2 associated with rebuilding, the TC calculated the 25th percentile of the relative exploitation time series generated from the Rhode Island Fall Trawl Survey and multiplied it by the 2002 Rhode Island Survey Index.

This provides an estimate of allowable landings for the Area 2 resource that would promote rebuilding. Based on these calculations, the TC recommends a TAL of 1.14 million pounds for Area 2.

These calculations assume that stock conditions remain static in 2003. So, this basically assumes that the overall abundance and relative exploitation would have to remain static in order for this to be effective. If that increases, then this would have to be larger; and, conversely, if the stock size increases and relative exploitation decreases, this quota could be lower.

The TC chose the 25th percentile of relative exploitation because of the higher likelihood of stock rebuilding than that which would occur using the time series median or less conservative matrix.

Furthermore, the 25th percentile of relative exploitation also coincides historically with high stock abundance and high commercial landings. In spite of the current management program, stock declines occurred in Area 2; and for this reason, the TC feels that a more conservative approach is warranted to better buffer against stock condition changes.

Conceptually, how this recommendation from the TC works is as follows. If you look at the medians of relative exploitation and survey index, it would be used as triggers to invoke significant management measures.

I mean, it's a little bit difficult to see this, but if you look to the last page of that TC report, you have a black and white version of the schematic.

You see that the center vertical line is the median relative exploitation rate, and the center horizontal line is the median survey index with relative exploitation on the X-axis and survey abundance on the Y-axis.

What it does is it gives you recommended management actions depending on what you direction you are in this chart. If you're in the lower right-hand quadrant, the red area on the screen, this is a situation where you have very low stock abundance and high relative exploitation, and in such a situation, our recommendation would be to reduce exploitation below the 25th percentile to rebuild and to avert a stock collapse.

When you're up in the upper right-hand quadrant, relative exploitation rates are high, but you're also in a situation where at that point the stock abundance is still fairly high.

That's a cautionary area. You're above the median, meaning that you should work back towards the target to reduce exploitation, to reduce the risk of stock declines.

The green area up in the left is the safe area. That's in a situation where you have high stock abundance and you also have low relative exploitation, meaning that that would indicate a status quo management. Keep doing what you're doing and things hopefully will continue to stay status quo.

Then in the lower left-hand quadrant, it's another cautionary area. You're below the threshold for abundance. You have low stock conditions, but relative exploitation is fairly low. And this area, it's yellow, but it actually it may be more appropriate even to have a fourth scheme and have a Code Orange, similar to our national security scale.

Because, in this area you have -- although relative exploitation is low, survey abundance is very low. This can be a typical response after a major stock decline is once the stock declines below the point of economic viability, you'll see that a lot of fishing effort will drop out of the fishery.

So overall, relative exploitation can shrink, but you can still have -- you're still at very low stock levels and you're still in a dangerous situation there. So, that lower quadrant, although it's depicted as yellow here, is more cautionary than the upper right-hand quadrant.

So where are we now? Well, relative exploitation in 2003 cannot be calculated because we don't have 2003 landings. The fishing season isn't over. However, we do know that the 2002 survey index declined to 0.85, which is the lowest survey index abundance in the last twenty years.

So, essentially, this is a phase plot of that first phase plot I showed you showing relative exploitation on the X-axis and survey abundance index on the Y-axis with the color-coded regions of that conceptual diagram I showed you overlaid on top of it to give you a relative idea.

If you look right now, last year we were in the lower left-hand yellow quadrant, which I just said should also probably be maybe an orange quadrant, which means that in 2002 we were at relatively low relative exploitation rates, but we were at extremely low stock abundance as well.

If you project forward for 2003, because we know what the survey abundance index is for the fall of 2003, which is the denominator in that relative exploitation equation, we can project forward and give you a rough idea of where we would be on this schematic depending on what the landings are for this current year.

So if landings in 2003 are in the range of 75 percent to 100 percent of what they were in 2002 -- so if the landings were either at or slightly below where they were last year, relative exploitation will increase to above the 75th percentile, meaning that would put us into the red quadrant.

If landings are similar to last year, or even if we have a 25 percent reduction in landings from last year, our relative exploitation will push us into the red quadrant.

In order for relative exploitation to remain near the 2002 level, which is keeping us in that lower left-hand quadrant, which is still a highly cautionary area, we would need to see a 55 percent reduction in landings in this current year to stay status quo to last year.

Finally, for relative exploitation to be at or below the 25th percentile, which is the far left vertical line, and which is also what the TC is recommending, landings would have to drop by 71 percent effective immediately in order for us to go below the 25th percentile of relative exploitation, which has historically been related with that upper green area with high stock abundance and high landings.

That's the end of the presentation. I am going to take any questions that you have I guess right now.

CHAIRMAN LAPOINTE: Before we take questions, I want to express my appreciation to the technical committee for taking our instructions from the last meeting with all the vagaries that were included in those instructions and working hard and coming up with the report.

Bob, I really appreciate it. It gives us something to move from. I had Mark Gibson and then Paul Diodati, Pat White, and that will get us started.

MR. MARK GIBSON: I'll just echo the chair's comments that this was some good work done relatively quickly, and they may have taken a lot of heat from it in the public forum, but this has had to be aired.

Certainly, the 71 percent reduction is a real eye opener. Nonetheless, now that I have a different hat on, I have a number of technical questions, and I don't know whether you want to take these up now or as they come up in the Addendum IV measures, because it's embedded all through Addendum IV, this 71 percent reduction.

I think the board needs to understand where that number comes from, how sensitive it is to a particular trawl survey data point, and explore that with the technical committee.

CHAIRMAN LAPOINTE: Go ahead, I mean, bearing in mind we're going to try to keep on schedule and other people have questions. But, get started.

MR. GIBSON: Well, as Bob said, you know, the technical committee's approach is based on monitoring a single trawl survey, that of my agency in the fall, and it's only conducted in a really small area, a portion of Area 2.

I understand the statistical comparisons that were done, and I don't have any problems with the computations, per se, but I would just make the board aware that particular datum is pivotal in the same way the scup index that you're all familiar with, that goes up and down and triggers changes in the -- they actually have a moving average in that one.

But the calculation of the 1.14 million pound quota, the 71 percent reduction, which is a comparison of that 1.14 to the realized landings in 2002 of 3.8

million, it drives almost entirely off that 2002 fall survey datapoint.

So we're leaning very heavily on a survey that is, you know, frankly, not designed to catch lobsters exclusively or highly effectively.

The other point I would make is that you usually know there is a step-across year that you have to make an assumption, as Bob alluded to, that the 2003 data will be the same because we're predicting a 2004 catch from what is available in the fall of '02.

So we're saying essentially '02 is the same. I don't believe it is going to be the same. In fact, we have preliminary information from our summer trawling, which is done every month, that abundance this summer is twice as high as it was last year in the summer.

I mean, the greatest increases in the legal size groups, which would be reflective of the gauge increases we've undergone, as well as any attrition which has reduced — economically based attrition which has reduced fishing mortality rates in this particular year.

So I think there is a case to be made that this 71 percent is a draconian measure. If we were to consider more up-to-date information, the quota might be twice as high and the percent reduction required could only be half of that 71 percent.

I think there is an important issue for the board to get over before you go into all of the Addendum IV options because they're all configured around essentially a 71 percent reduction, which again, drives off one survey datapoint.

We have preliminary information that 2003 will be above that. I think that's an important issue for the board before they proceed anywhere, whether they buy into that 71 percent calculation.

CHAIRMAN LAPOINTE: If I can respond and then I will go to Bob. The question I asked Bob is were there other approaches tried and why didn't they take those, and I think it was in the interest of time and moving forward. It strikes me that in the context of Addendum IV, as we move forward, that we might include some discussion of that.

But finding out what happens in 2003 is going to take until 2004, and we're trying to get Addendum IV done by the end of the year, and so there just needs to be an honest discussion that is the worst case scenario.

It might be better, but to wait until we get the 2003 survey would mean we wait until next year for Addendum IV. and I don't think that was our intention. Bob, can you just, for a moment, talk about why -- and if I missed it, I apologize -- why you just concentrated on that one survey, because that relates to Mark's question?

MR. GLENN: Yes, as Mark indicated, certainly, if we're depending on one survey, any of these recommendations are going to be highly sensitive to that survey.

Based on the time that we had available and the information that was brought forward to us at the meeting where we did this work, we came to a consensus that the best information that we had at that time was to use the Rhode Island Trawl Survey.

We discussed that, and we mention in the report that, yes, in fact it is sensitive because we're only using one survey index to generate this. However, in the short term, it seemed to be the most appropriate index to indicate overall stock conditions in Area 2.

I would say mainly it is a time issue, but also the numbers show that statistically it does account for a significant proportion of the landings, using the survey index. I think the TC felt confident, at least based on the time that we had, to go forward with this approach.

CHAIRMAN LAPOINTE: Thank you, Bob. I want to get Paul and then Pat and then you, Gordon. Paul Diodati.

MR. DIODATI: Again, I think my question was answered given that this is relative exploitation of the survey gear and not the fishery. I felt that I needed more information about that survey.

But based on the comments that Mark made, it's a general purpose survey not designed to target lobster or catch lobster. So, you know, how efficient it is at catching lobster might be questionable.

I don't know how widespread the survey is or how many stations or how robust it is, but it does look like the statistic you gave does demonstrate that it tracks landings pretty well.

So I guess I wanted more information about how the committee feels about the survey design and the survey information, because this is not relative exploitation of the fishery. It is relative exploitation of the survey gear. So if we're going to base a

management decision on that, I think we need to be very certain that this information is good.

CHAIRMAN LAPOINTE: Do you want Bob to reply to that or just to get more information as we move forward?

MR. DIODATI: If there is any more information he can provide, which I doubt.

CHAIRMAN LAPOINTE: Yes. Pat White.

MR. WHITE: I guess all this is dealing with the current stock abundance, and I wondered, Bob, are we going to have any kind of an update on what the status of the shell disease is.

I know it's in one of your questions, but do you have any indication of what percent of the stock now has shell disease? It might be part of mortality, but not part of landings.

MR. GLENN: I do not have updated estimates for Rhode Island, per se, but Mark may be able to update you on that. I can say for Massachusetts, so far in the spring, typically from our sea sampling we see our highest rates of shell disease in the spring.

And I would say roughly in the sea sampling from this year, we've been seeing 30 to 40 percent of the catch having some incidence of shell disease in the Massachusetts portion of Area 2.

CHAIRMAN LAPOINTE: Is that enough?

MR. WHITE: Yes, I guess. Mark has got his hand raised and I didn't know if we were going to get an update on what the Area 2 disease —

CHAIRMAN LAPOINTE: Was it to that point?

MR. GIBSON: I would just pass on to the board what has been reported to me by fishermen and sea samplers is that they don't believe that the severity is as bad this year as it was last year. We haven't worked through our detailed observations yet from the observers. That is what is being reported to me.

CHAIRMAN LAPOINTE: Thanks, Mark. I had Gordon next.

MR. COLVIN: Thank you, Mr. Chairman. Just to reflect on the information that we've received and where it leaves us, the inclusion of the measures for Area 2 in Addendum IV resulted, if I recall correctly, initially from the management entities with

responsibility for Area 2 coming to the board and asking that they be included and asking that this be brought forward by the board.

In other words, the Area 2 effort that is underway is not Amendment 3 directed, it's not board directed. It is instead an accommodation by the board under Amendment 3 to a request from the managers in Area 2, and, to that end, a lot of things have happened, including the staff and the technical committee having been tasked with a very difficult assignment under very challenging time frame.

I want to express appreciation to the staff and the technical committee for the work that they have done and to particularly congratulate Bob Glenn on a very clear and well-presented report this morning.

To point out the technical committee has essentially responded to a request made by some of our members, but not a directive from the board or an obligation under the management plan, and I'll say why I'm saying that here in a moment.

I take particular note of Mark Gibson's comments. I think they're very important, and I appreciate him putting that information right at the beginning of this discussion. I think it's very helpful to understand the sensitivity of the analysis and the recommendations of the technical committee to the trawl survey information and the issue of timing.

I recall one of the very first slides that Carrie put up spoke in terms of the potential for separation of the issues in Addendum IV.

I just want to highlight the possibility, given what we're hearing at the outset of this discussion, that it may be appropriate to consider, for the board to consider, as it discusses this issue this morning separating, the Area 2 decisionmaking from the rest of the measures in Addendum IV to enable further discussion along the lines of what I just heard suggested or implied by Paul Diodati's comments, by Mark Gibson's comments with respect to the need to further understand how the trawl survey influences the technical committee recommendations, to give further time to consolidate that, and especially to understand the implications and enable an inclusion of the 2003 fall trawl survey data into the analysis to make sure that whatever sacrifices the industry is asked to make are warranted by the most up-to-date data, particularly given the sensitivity of that survey index to the calculations.

I think if we think about that at the outset, it may help us understand what our possibilities are and what our options are. Thank you.

CHAIRMAN LAPOINTE: Thank you, Gordon. Bob Beal, the idea of breaking the addendum into two parts, what would the mechanics of that be? I think about it in two ways. One is what is our ability to carry through with Addendum IV as it is written, with the imprecision or the risks of using one survey and separating those, I mean, after we go to public hearing or separating them now?

MR. BEAL: The board has the ability to do it either way. In other words, you could take the four issues out in one document with a very clear description at the beginning of that document saying these issues may be separated out at a future date and action taken on some subset of these issues under Addendum IV and the remaining issues or issue may become Addendum V or whatever number it becomes.

Or, the board can do it at this time and have Addendum IV and Addendum V going simultaneously, and Addendum IV can deal with the three issues and then the Area 2 issue becomes Addendum V. So it can be done now or later, either way.

CHAIRMAN LAPOINTE: And Carrie indicated to me that in fact the option of splitting in December is already included in the text of the addendum.

I mean, the downside of splitting and trying to get some other survey indices or some other measures of the magnitude of the changes is, first, we've already asked the technical committee to do that and we would be asking them to go back to the same well.

If we wait for 2003 survey indices, we don't implement those measures in the beginning of 2004, and we would wait for a longer period of time. Did you want to respond? I'll get back on the list.

MR. GLENN: One comment I would have relative to what the value of having the 2003 survey index would be from Rhode Island is that it would give us another point to see what current stock abundance is doing, and that would have impact on what the total allowable landings are.

However, because at that point at 2003, we would then need 2004 landings to update any relative exploitation estimate, we still wouldn't be able to generate that.

CHAIRMAN LAPOINTE: Thank you, Bob. I have right now got Gil Pope, Bill Adler, Mark Gibson, John Nelson, and Lance.

MR. GIL POPE: My question has actually changed. So the suggestion is -- so there is a number of options. Either taking 5-3 out or making 5-3 some other, like Addendum V or something like that, and having it work on a different track and giving it a little bit more time. Is that what the suggestion is? Thank you.

CHAIRMAN LAPOINTE: Well, that's one of the options, yes. Bill Adler.

MR. ADLER: That was on shell disease, back on shell disease, and I had a question for Bob Glenn because I heard Mark. Bob, was that figure you gave for Massachusetts, was that higher than last year or lower?

MR. GLENN: Similar.

MR. ADLER: It was similar. Thank you.

CHAIRMAN LAPOINTE: Mark Gibson.

MR. GIBSON: I don't want to leave the board to think that there is only one technical issue related to our trawl survey. There are others, and the other important one is being the board and technical committee have grappled with these four, but the overlap between management areas, stock areas, and these NMFS statistical reporting areas.

The technical committee some time ago advised the board that they are uncomfortable doing technical computations on a management area basis and would have preferred to do it on a stock area basis, or the SCLIS area, which would be addressed in the upcoming stock assessment.

It was the board's position that the technical committee should remain focused on management Area 2, and then there was a decision made to employ survey-based assessment and so on.

But I have to point again that what they are doing, and I applaud them for it, is essentially a proxy for a formal biomass control, and they're simply employing proxies for survey abundance and stock size and relative exploitation for F.

So we really haven't downsized the scope or the tenor of the calculations yet. They are still being applied to a management area instead of a stock area.

I still have to question how much efficacy these measures can have in Area 2 when we know from tagging studies that lobsters move from Area 6 into Area 2, and they move from Area 2 out into 2-3 and 3 and perhaps even make return migrations.

I think the problem of the management area being embedded in the stock area is still a significant one, particularly when you start talking about the magnitude of the reduction necessary to achieve rebuilding. Very harsh measures could be imposed and it could be eroded by movement of lobsters between management areas.

CHAIRMAN LAPOINTE: Lance.

DR. LANCE STEWART: My question on this dataset entirety is an issue I address to Mark, but also in relation to Area 2 and the interdependence of Area 6. A few years ago, we did a lot of comparisons for the North Cape oil spill assessment of population declines and relative abundance between areas, and Rhode Island had a very good set of spring and fall indices for trawl abundance estimates.

They also had a good suite of information on fisheries dependence at sea sampling for a CPUE calculations. The point is that I would wonder why the technical committee isn't using this entire set of data, not only for Rhode Island, but also for Connecticut that addresses the Area 6 issue.

They're comparable evaluations that can be made for the different management units and have a distinction between what relative recruitment rates might be happening in trawl survey data as well as what the fishery-dependent data is showing you as really concrete CPUE type information; the point being is that the technical committee may select one variable, but I would expect that all the information should be pooled and analyzed.

CHAIRMAN LAPOINTE: I guess I'll respond in part. There's some terms in the text that says that the methods used to develop the management measures were imprecise, and that's because of the job we asked the technical committee to do.

We asked them -- this is my word and nobody else's -- to give us a shoot-from-the-hip technical sense of what we could do. This isn't a big stock assessment. This doesn't deal with areas outside of Area 2

because of what people asked the technical committee to do, and this was the best they could come up with to give us something to look at in regard to Area 2.

You know, Gordon made the comment that the respective jurisdictions came to us to act on Area 2 and that is why we have been doing it. We also have an obligation as a commission to look at stock condition.

I mean, if this was an academic exercise and they had a lot of time to study those kind of things, I think that would be really good, but they don't and we don't because of the time frames we put on the group.

So this is what we have to move forward with; and as chair, it would be my hope that in fact we bring this out in the addendum, bring it out to the public, we let other jurisdictions; and if they have better ideas about what survey indices to come up with, we can explore that. But we shouldn't let that analysis stop the clock on moving on Area 2. Bob has a comment or no.

MR. GLENN: Yes.

CHAIRMAN LAPOINTE: Please, and then I had Paul Diodati and Gordon.

MR. GLENN: My comment is actually in response to Lance's question. The TC, as George has indicated, did not entertain this exercise relative to the full scope of the Southern New England Stock Unit because we were confined in our directions to specifically apply it to Area 2.

Relative to only using one data source, the TC did entertain a full suite of trawl surveys, including Massachusetts, Rhode Island, Connecticut, NMFS, as well as fisheries-dependent data, in a combined index.

We compared the merits of both of those options and when we looked at the comparison between that and how it predicts and explains landings, the Rhode Island Trawl Survey statistically did a much better job of doing that and had much less noise than the combined approach.

Without having the time to further, say, model those relationships or apply smoothers to those indices, we felt -- and it was a consensus by all members there, including ones who are very familiar with the trawl surveys from each of the states, that the Rhode Island survey was the best way to go.

CHAIRMAN LAPOINTE: Thank you, Bob. Paul Diodati.

MR. DIODATI: I appreciate what the chairman just offered in terms of going out perhaps to hearing and then when we come back we can maybe modify our decision accordingly.

But listening to Mark, I guess it's just that my comfort level with Section 5.3 is diminishing, only because we're looking at a couple of different things that the technical committee has offered here.

One is a tool to evaluate whether or not we require an action. The other item is actually a recommended action. So, my comfort level is diminishing because it's not clear to me that the tool is maybe looking at multiple stocks and multiple management areas.

And, likewise, it's not clear to me whether the action, the 70 percent reduction in landings, was developed looking at multiple stock and multiple areas, because I think we have to look at that precisely the way the fishery performs and not just the management area.

It's not clear to me that that's been done and so that's why my comfort level is diminishing here. But, certainly, if we go to hearing and the technical committee at the same time explores some of these concerns a little bit more, maybe by the time we make a decision on this we can modify it accordingly.

CHAIRMAN LAPOINTE: Bob, did you want to respond?

MR. GLENN: To answer your question, Paul, no, we did not account for stock-wide conditions relative to the estimates of the total allowable landings or relative to their effectiveness to rebuild the Area 2 stock.

As I indicated before, this is just simply taking the Area 2 stock essentially as a closed system. If surrounding management areas have conflicting or competing management strategies, then, obviously, the success of any of these actions for Area 2 would be eroded.

I guess, furthermore, this also brings up larger issues because we have these exact issues with any boundary between any management area; and all three of our stock units and all six of our management areas, this is a problem that we have.

Unfortunately, how the TC has had to treat it, because of these specific management areas, is we've had to just take it as a closed system and evaluate how that would work in that management area and having to ignore, because we're not able to estimate, what the difference is between conflicting management areas in the same stock unit just because we don't have a good handle on what immigration and emigration rates are and also how the fishery reacts to the different management measures on the border areas. So it's a difficult question.

CHAIRMAN LAPOINTE: Gordon Colvin.

MR. COLVIN: I sort of feel like I need to precede this by saying one more time that we're here having this discussion on Addendum II because board members asked us to. We have contributed resources, staff resources. Many of us have staff on the technical committee who were part of this discussion that we didn't ask for. It's not driven by Amendment 3 or its existing addenda. We are here because largely the Commonwealth of Massachusetts and the state of Rhode Island asked us to take this measure to explore more conservative management in Area 2 than Amendment 3 currently requires.

If the Commonwealth and the state no longer wish to pursue that, please tell us and let's move on. Amendment 3 and its existing addenda stand, and that's what we're all required and have agreed to implement.

I'm a little impatient with implied criticism of any technical committee work that has been done up until now because we have given the technical committee an impossible assignment, and the staff, I might add, have done a great deal of work on an impossible assignment that goes beyond the standards that presently exist in the amendment.

We've done it because we are responding to what we thought was a very real bona fide concern from the managers in Area 2, and we're prepared to go forward. I would hope that the Area 2 managers continue to advocate that. I'm not hearing that in this discussion so far this morning and it concerns me.

CHAIRMAN LAPOINTE: Mark Gibson and then Vito.

MR. GIBSON: I guess I want to be clear. Area 2 needs help and it needs some work, and even if our trawl survey in the summer of 2003 is double what it

was last year, double an abysmal year is still the second record lowest.

I just point out the sensitivity of those calculations. What I'm trying to get to -- and we probably need to take that check-out break pretty soon so Massachusetts and Rhode Island can consult.

But, what I'm trying to do is to find a way to help Area 2 continue efforts to rebuild Area 2, but not blunder into the minefield of the technical problems that we know exist with what has been done so far and trying to balance the risks between those two.

CHAIRMAN LAPOINTE: Thank you, Mark. I'll take Vito and then I had Dick Allen and Bill and then we'll take a break for check out and then come back and move on with the rest of the discussion. Mr. Calomo.

MR. VITO CALOMO: Mark Gibson said exactly what I was going to say. Take the break. Thank you.

CHAIRMAN LAPOINTE: Dick.

MR. ALLEN: I have a suggestion that I'm hopeful may resolve your dilemma and be helpful to both the board and the public as they consider this issue.

The separation that you might want to consider is not taking Area 2 issues out of the addendum, but rather to separate the management framework, which is the original impetus for the LCMT 2 working on this whole issue. It had nothing to do with the stock decline.

We were involved in this, coming forward with new proposals, without any awareness that our stock was going to collapse. Now that the stock has collapsed, you've got two things.

You've got a management framework and then you've got a technical committee saying, okay, and if you use this framework, this is what the actual management control level should be. I would suggest that if you separated the management framework, which Area 6 already came up with an effective effort control program that capped them at historical levels.

Area 2 never did that and so we have effectively no effort control and no way to regulate effort. So if you move forward with the management framework and then separately consider what the particular level should be within any particular framework, I think

you'll resolve a lot of the differences because people can then consider the issues.

What kind of a framework do we want, and then it's a separate issue of based on current stock conditions, which are changing all the time, where should we be within that framework.

CHAIRMAN LAPOINTE: Thank you, Dick. Bill.

MR. McELROY: Thank you, Mr. Chairman. Bill McElroy from Rhode Island. First of all, I would like to thank this committee. You've helped me considerably. I had a whole list of questions that I wanted to talk about, and all of you people have addressed them. That leads me to the final point that I think is worthwhile that I need to make in that with so much question as to where the science lies, the industry has had that exact same concern.

We see as an industry that we want to have a reduction. As Dick said, we've been talking about it for quite a long while. We don't want to do nothing. We want to do something. But we feel that the technical committee information, the 71 percent reductions, as Mark Gibson already very clearly showed us, with a new assessment could easily double.

We don't want to get into those arguments of whether it should be a million pound quota, a two million pound quota, a three million pound quota when there is so much trouble trying to pinpoint where the science is.

So what we took as an industry, we took an approach that said let's forget all about the technical committee. I'm not a scientist. I'm a fisherman that likes to go play golf, you know, and when you start talking about all these 1.34 and stuff like that, our eyes roll back in our head and we don't understand it.

But we do understand what is going on in the water. We understand where our future lies and our future lies in having a reduction in effort in a meaningful fashion that leaves industry whole.

We think that we've crafted a plan that puts together in motion a reduction in fishing effort that is irreversible. It will go forward and every year there will be less effort.

It has to be just in the way that we designed the program, and it doesn't matter under that plan what the technical committee comes up with with a finding because we're still going forward with the reductions.

So we think we've been able to isolate a program that will allow for reductions or recovery in the fishery and help the individuals partaking of it and avoiding all of the arguments over whether it's a 1.1 quota or all of these other different numbers.

So we're just trying to be simple people coming with a straightforward plan that will work, regardless of where the science takes us. Our plan will take pots out of the water over time. As Dave Spencer pointed out earlier in his presentation, the average age of the fisherman in Area 2 is in excess of fifty years old.

Now we've put together a plan that every time there is a transfer of a boat, 50 percent of the gear disappears. And, with the age that we are, if you do demographics, there is no way around it. There is going to be a massive reduction in effort if that plan is followed through, regardless of whether the technical committee says things are good, bad, or indifferent.

We think that they're bad enough that we need action, but we don't think that following a 71 percent reduction or those typical things can work for us. We don't understand them. We see things in a simple fashion. We came forward with a plan that will work in all circumstances. That's all. Thank you.

CHAIRMAN LAPOINTE: Thanks, Bill.

MR. GLENN: I'll make it really quick just relative to Bill's comments and also some comments from board members relative to their uncomfortableness relative to the uncertainty around these estimates because they're based on one trawl survey, I just caution the board about using uncertainty for this particular one estimate as a reason to think that there is not a problem in Area 2 and remind them that we've looked at several reports.

The TC has generated several reports which have looked at an overwhelming amount of evidence from both fisheries-dependent and independent data that indicate that there are serious problems in Area 2. And despite this uncertainty for this particular technique, I just think it's important to keep that in mind.

CHAIRMAN LAPOINTE: All right, now I have Dennis Abbott and Eric Smith and then we are going to break.

MR. DENNIS ABBOTT: Thank you, Mr. Chairman. I got the nod that you want me to be brief. But as I've sat here this morning, I've listened to all that has

been said, and I would like to summarize how I've processed that information.

Going back, Massachusetts and Rhode Island came forward, as Gordon said, with a problem and asked us to do something about it.

The technical committee went out and said we should have a 71 percent reduction, and it's obvious that the interested parties don't like that result, and I don't blame them for that. But I pity the poor scientists who are asked to do something and provided us with a result and are now having their science questioned.

I like to believe the science. Mark Gibson dutifully told us and accurately probably told us that the problem is half as bad. But half as bad still, to me, seems bad. I think as commissioners we have a duty to protect the resource.

So I think we're left with, as I put them down as I was listening, several options. Either we move ahead with the addendum as presented, first choice or second choice, we cut the numbers by a half to agree with Mark Gibson's assessment, or, third, we do nothing for a year and probably let the resource suffer and let the fishermen suffer; or, four, let Massachusetts and Rhode Island withdraw their request for us to do anything. I mean they're the ones that asked us to do something and there has been an appropriate response. Thank you.

CHAIRMAN LAPOINTE: Thank you, Dennis. Eric.

MR. SMITH: Thank you, Mr. Chairman. I would have waited until after the break, but it really caps, in my view, what I would like to say about the debate we've had; and maybe after the break we're going to go in a slightly different direction.

I think it's helpful to remind the board of what we, New York and Connecticut, reported in June at the board meeting, that we in Lobster Management Area 6 are pursuing an aggressive development of a restoration strategy for Lobster Management Area 6.

We understand the stock condition there and we know we're going to be taking more action. We haven't requested the board's assistance in that. We don't feel that we need it. In some cases we even think that the data and the unique circumstances of a dieoff as opposed to a high fishing rate lend itself to different types of strategies that are extra the plan.

They weren't contemplated in the plan and they aren't addressed by the plan. I guess my hackles go up every time somebody says that in Area 6 they're not doing anything, and it's going to undercut us in Area 2. I would beg to differ and I will every time I hear it.

I would like to remind you of Bob Glenn's point and add a couple of corollaries. I think he made a real good point that competing strategies in different management areas could erode the efforts in one area. True.

Compatible strategies are necessary so that in a stock area we're all pulling in the same direction. Identical strategies, in my view, are not necessary, and it's the very fundamental basis of the plan that we would have management areas.

My final point is any time I can agree with Dick Allen on something, I want to make it marked in the record. Dick Allen made the point that in Lobster Management Area 6, unlike the others, we adopted initially right from the start a history-based pot allocation system; and just with a very few numbers, I would like to tell you what that means in terms of real effort reductions.

In Connecticut, and I'm sure the numbers are about the same in New York because they adopted the same system, if we had adopted a flat cap of 800 pots, we would have allocated 530,000, a little over pots. Instead, we adopted a history-based system and we allocated 315,000.

Through a pot buy-back system and a reduction that is required any time a license transfers, we've reduced by another 70,000. So effectively, relative to if we had adopted the 800 flat cap, we have a 54 percent reduction in the allocated pots, of which about 20,000 of those are actively fished pots that are reduced through the two reduction programs.

So, be careful when you imply that Area 6 has not done anything towards the management of the lobster in the SCCLIS area. Thank you.

CHAIRMAN LAPOINTE: With that, we will break for fifteen minutes. We'll come back at 10:30 and finish Addendum IV by 10:45.

(Whereupon, a recess was taken.)

CHAIRMAN LAPOINTE: I think that we're done with the technical committee report, and I would like to move into discussion on Addendum IV.

Again, I favor moving forward with Addendum IV with we can have some discussion at the public hearing about the implication of the technical committee recommendations on the magnitude of the cuts and how that might be changed in the future. I'm reluctant to change it now because it's the only barometer we have; and unless there is information to the contrary, I think we should move into those measures that need to be included in Addendum IV in regard to Area 2. Mark Gibson.

MR. GIBSON: It was my sense, during the discussions, that we need to reconfigure the draft addendum to admit a wider range of percent reduction possibilities than 70 percent. I don't think it can go forward with just the 70 or 71 percent reduction in light of the information I raised. I would offer a motion to that affect if the chair is ready to entertain that here.

CHAIRMAN LAPOINTE: I would think that what we would want to do is to include some language about how that percentage might be ameliorated with different information; and rather than trying to change the technical committee report, which I suspect you weren't trying to do, so unless I see information to the contrary, we'll work with staff to include language to that affect and move forward. John Nelson and Gordon Colvin.

MR. NELSON: Thank you, Mr. Chairman. I think I'm hearing that the two states that are really affected by this want to move ahead with the addendum and probably the language that gets them the flexibility, and I think the board should have flexibility in dealing with this if indeed we get new information that has been able to be vetted before the technical committee as it is our standard procedure.

That language probably says that there would be a decrease of up to 71 percent or whatever. I would like to make sure that we have additional flexibility, Mr. Chairman, and I was looking at the options.

It does not appear to me that the option that would provide us with the flexibility, which is Option 2, it doesn't have gauge increases in there. I would suggest that we also include that flexibility of 1/32 of an inch in '04 and '05, January of '04 and '05.

CHAIRMAN LAPOINTE: I think what Carrie is going to do now -- we wanted to get the technical committee report done. She is going to step through all those options, run through those, and then we can

ask questions as we move forward on the draft of Addendum IV. Gordon.

MR. COLVIN: As I understand Mark Gibson's suggestion, it would be to include an array of -- I don't know if option is the right word, but at least the concept that the reduction could be within a range, and I'm wondering whether, as direction to the PDT, in order to get something ready for public hearings within the time frame between now and our next board meeting, it would be helpful to specify what that range or ranges or options might be in order that they know what to write.

Is that necessary, Mr. Chairman? Is that something we need to just give a little bit more guidance on? It certainly would appear to be a helpful suggestion, and I appreciate it. I just wonder if we need to pin it down a little.

CHAIRMAN LAPOINTE: I would think it would be a useful suggestion without overloading the document. My suggestion was one that was conceptual in saying that I mean a lesser degree or a lesser reduction in fishing mortality or in effort would result in less restrictions or less onerous restrictions. But if there are specific suggestions on percentages, that might be useful.

MR. COLVIN: You know, there is an abundance target at the 75th percentile. Maybe we should be looking at the median as well. I don't know if that gets it done, but I'm trying -- right now, I think the PDT has a very amorphous charge, and I think they would probably appreciate a little bit of specification, particularly if we're going to turn around and criticize them for what they do again.

CHAIRMAN LAPOINTE: Right. Mark Gibson.

MR. GIBSON: I guess my suggestion is given the sensitivity that was discussed earlier relative to what our survey will be realized, again, the computation is take the 2002 number and assume 2003 will be the same. We don't have know anything about 2004 landings or anything like that.

That's the inherent assumption in the calculation, assume 2003 will be the same as 2002. You need to admit a range of possibilities that 2003 will not be the same as 2002.

Some reasonable range of survey abundances is it might be half of what it was in 2002, and it might be twice as much as it was in 2002, and that corresponds

to a set of percent reductions associated with those values.

Now, earlier Paul said it should be no greater than 70 percent, but I don't know or have a feel yet for what the lower bound should be.

CHAIRMAN LAPOINTE: I guess I would ask a question of Carrie and Bob, and it would be fairly arbitrary at this point. I mean, if abundance is up by twice, would the reduction be down by half. I don't want to include too many options or points of discussion, but if we could -- say, if the survey is up by 50 percent and a hundred percent and maybe down by 50 percent, what would happen. Is that doable?

MS. SELBERG: We could go to public hearing with language indicating that the reduction may be less than the outlined 71 percent based on the 2003 Rhode Island Fall Trawl Survey figures. Is that what I'm --

CHAIRMAN LAPOINTE: How much work would it be to say if it was 50 percent greater, here is what the total allowable levels of landings would be? I mean, it would be a matter of minutes and we'll try to do that. Good, thank you and thank you for that clarification. Bob Baines.

MR. ROBERT BAINES: I've got a question. Are there any options that can be removed from this document to make it a little bit simpler?

CHAIRMAN LAPOINTE: Well, I think Carrie is going to work hard on that in just a little bit. The next stage is for Carrie to go through the document, the Area 2 part of the document, to talk about the options and then try to refine what we're going to go out to public hearing with if it's approved.

MS. SELBERG: I am in Draft Addendum IV on page 17. What I would like to do is I would like to step through all of the options in Draft Addendum IV and then come back to each section and take comments on whether you want to take an option out or edit an option.

So many of them are interrelated, and I think it would be helpful for the board to get a complete picture of what is in here and then go back and take questions. So if you don't mind, if you could hold questions, we will come back to every one of these slides and you will have the opportunity to edit or delete whatever the board would like.

As we've said many times before at the last board meeting, there was some concern expressed about the wide array of options the technical committee and the plan development team were asked to include in this draft addendum.

After that board meeting, I worked with George Lapointe and Vince O'Shea to outline specific tasks as far as the management measures to include for the technical committee and the plan development team.

We've done the best we can given the short time frame, and what I am going to do is outline what the management measure is, why we included it, and how it relates to the technical committee recommendations.

There are a couple of measures that I am going to ask Bob Glenn to elaborate a little bit more on why the technical committee gave the advice they did as far as the specific management measure.

I wanted to note right at the beginning of Section 5.3, we do have some language that says because the methods used to develop the following management measures are imprecise, the management program is designed to be flexible. The management board will review the stock conditions in Area 2 on an annual basis and make revisions to the management program as needed.

The next section deals with effort control. At this time, there are three effort control options in here, and we took the technical committee recommendation that in order to reach the goals that were outlined, there would need to be a 70 percent reduction.

The first option is a 2002 LCMT proposal; and because this proposal never was officially taken off the table, we were trying to be all inclusive and include anything we had received from the LCMT.

Based on some new information, this may no longer be the wisest option to include, but I'm going to step through it anyway at this point. So it's an effort control option and it has BINS; and through the document, in this option I have included both the LCMT proposal as it was submitted to the board in 2002; and in order to implement the technical committee recommendation of the 70 percent reduction, what those BINS would be, and it's just simply a 70 percent reduction.

I also included maximum allowable traps, which wasn't a part of the LCMT option and the board can

decide if they want to add those options or not if we stick with this LCMT option as an option.

The second effort control option is also a performance-based control plan, and it is based on the work done by the Commonwealth of Massachusetts.

What we did was we took the work that they've done over the past year, which allocates traps based on poundage history, and applied a 70 percent reduction to that work that has been done, and the chart you can see is Appendix 5, if you want to see how that poundage trap allocation plays out.

This program does allow for transferability. At this point, there is no stated percentage reduction when transfers take place, but that could be added. And there is also a maximum allowable traps options included in this Massachusetts plan.

The third effort control option is a uniform allocation. The trap limit in Area 2 would be 240 traps, and the plan development team, within this uniform allocation, included two options, one to allow for transferability and one not.

Given that we hadn't received feedback on how a transferability program would work, we simply stated the details of the transferability program would be established if this option were chosen.

I'm going to move on to effort control, but I am going to come back to this point, so just hold your questions and we'll get back there.

Under the next section is quota. This quota was based on the technical committee recommendation of total allowable landings of 1.14 million pounds, and we did an allocation system by state.

This allocation system was based on landings from 2000, 2001, and 2002, and we have language indicating that the state would run this program and would decide if and how to allocate their quota further, and each state could decide if they wanted to allocate to groups of fishermen or an individual basis or simply keep it a state-wide quota.

We have options included for what would happen if there was an overage. An overage would be deducted from the next year's allocation for that state or from the overall quota or no pay-back provisions.

We also have a statement at the end indicating that if the board chooses to move with this, that a system

will need to be developed to monitor landings in a timely manner because at this time we don't have the infrastructure in place to monitor a quota.

I am now on page 22, Section 5.3.3 for closed seasons. The option that is included is a one-month opening in April and closed for the rest of the year.

No lobsters could be landed from Area 2 except for this month of April, and all lobster trap gear would be removed from the waters. I'm going to ask Bob Glenn to talk a little bit about why the TC made this recommendation for this particular closed season.

MR. GLENN: The TC based this recommendation on the degree to which you would need to close a season based on trying to achieve a 70 percent reduction in landings. First, what we did was to look at the proportion of landings landed in Area 2 by month to see which months had what degree of landings.

In addition to that, other things that we considered were historical information or current information of other management strategies used in Canada for American lobster, whereby they have a six-month season and only 375 traps per boat.

And in that kind of a system, they have fishing mortality rates and landings -- fishing mortality rates are as high as what we have down in our neck of the woods with a full season, and their landings are greater than what our Gulf of Maine landings are, for example.

Based on that, we looked at the only way to -- if you were using a closed season alone -- and now that's another good point that I should bring out is that any of these measures were evaluated on an independent basis, meaning that if the TC is providing advice relative to the efficacy of that management measures if it is used by itself. If you were to combine this with other management options, then the degree of the closed season could be less.

So essentially based on that, to achieve such a drastic reduction in landings from a closed season, you would have to have an extremely restrictive closed season, and we chose one month because essentially looking at the proportion of the landings in Area 2, historically it has been possible for the fishery to catch up to 30 percent of its total landings in one month.

So, that would relate to a 70 percent reduction. Again, know that what we can't account for is the degree of recruitment that would occur after the

following year. It would have an extreme effect on the fishery in the first year it was implemented, and those lobsters would be protected.

However, during the closed season as those lobsters mature and grow and molt into a new size, there would be a large number of animals stacked up waiting when the fishery reopened, and that is similar to what they see in Canada.

As I said, it's a six-month season and I believe they land in excess of 80 percent of their landings in the first two weeks of that season. So with the closed seasons, there are issues like that where a large amount of landings can be caught in a very short amount of time.

MS. SELBERG: The next option is closed areas. We were directed by the board to look at closed areas, and the technical committee didn't have a specific recommendation, so I've noted that in the draft addendum. But I will ask Bob Glenn to outline a little bit further why they didn't have a specific recommendation for closed areas.

MR. GLENN: Commercial landings are not collected on a fine enough scale to provide quantitative advice on the size of a closed area needed to effect a large scale reduction in landings.

Landings right now are collected on a NMFS statistical area basis, and on top of that there are stock unit lines and also management area lines, and these different lines don't all add up, don't all match up.

So as such, it's difficult for the TC to look at one area and say if we close this area, it would relate to a specific reduction in catch; and, furthermore, not knowing how the lobsters migrate in and out of these areas, you could see a large degree of fishing on the border of these closed areas during a seasonal migration where any of those lobsters that were protected while they were in that closed area could simply migrate out of that and be caught. So it's difficult for the TC to provide advice on the efficacy of this type of a measure.

MS. SELBERG: The next option is related to traditional management measures; and for this section, because the combinations of gauges and v-notching and maximum sizes are endless, the plan development team came up with four options.

One is status quo. The second was a proposal from the Area 2 LCMT from May of 2003. A maximum

gauge is Option 3, and the fourth was a minimum size.

We asked the technical committee to evaluate these four options the Option 4, the question to the technical committee was is there a minimum size that could be included that would achieve the goals outlined in Draft Addendum IV. I'm going to ask Bob Glenn to outline what the technical committee advice is relative to traditional management measures in general.

MR. GLENN: In general, the technical committee did not feel that conventional measures, including but not necessarily limited to gauge increases, maximum gauge sizes, and v-notching would be an effective means to provide a large-scale reduction in landings and effort in Area 2.

Typically and historically, the conventional management measures have been used as an effective tool to increase egg production. Most of them, however, are not effective at providing large-scale reduction in F or fishing effort, for that matter, and as such they don't necessarily decrease it.

They just delay it. So even any type of a gauge increase, although it has the potential to increase the spawning potential of an individual, it doesn't do anything to reduce F.

It just simply delays it, at which time they are susceptible to harvest. There are similar issues with maximum gauge whereas right now at a maximum gauge in Area 2 at five inches, less than one percent of the current size structure in Area 2 is five inches or better.

If you don't reduce fishing mortality rates or exploitation rates in general, lobsters don't have the potential to even grow to that size, and that is evident in this current size structure.

MS. SELBERG: The next option is a moratorium option, which indicates no lobster may be landed from Area 2 and all trap gear as defined in Amendment 3 must be removed from the waters and all mobile gear fishermen must return all lobsters caught in Area 2 to the water, and we have three options about when Area 2 would reopen.

One, it would remain closed until the board reopened it, and they would consider this after the next stock assessment. The next, it would reopen in 2008; and, finally, that the board would consider reopening on an annual basis.

The next option is relative to non-trap fishermen, and we took the technical committee guidance of a 70 percent reduction and applied this to the measures that are in place under our current management regime.

The option is landings by fishermen using gear or methods other than traps will be limited to no more than thirty lobsters per day up to a maximum of 150 lobsters per trip for a trip five days or longer.

Now I'm going to talk a little bit about the most recent Area 2 LCMT option. That's on the back table and I've been passing it out to many of you in the past couple of days. It's under the cover memo from Mark Gibson. We received this at the commission a couple of days ago.

The LCMT received the Area 2 technical committee report and met last week. I am going to highlight some of the measures that are included in this proposal.

First, I'll note that in the cover letter from Mark Gibson he indicates this is a revision of their May 2003 proposal, that they were interested in taking v-notching and gauge increases from their earlier proposal off the table and substituting this instead.

It enacts a size limit for qualified boats, indicating that vessel upgrades on permits to be a limited to a one-time 15 percent increase in vessel length. It asks for no new endorsements for Federal Area 2 permits after 2003.

It asks for documented history between September 1999 and August of 2003 and sets up two bins. One is for landings of one pound to 999 pounds, qualifying for a hundred pots; and then zero landings not qualify for any pots; and then over a thousand, that would be for 800 pots.

It asks for federal permits to be associated with a vessel. It does include transferability. And actually one important point, when those permits are sold, the number of traps that are transferred with the permit drops from 800 to 400; and when you have those 400 traps, 200 are transferable, and there's a couple of exceptions to this.

If you have landed over 4,000 pounds or if you have both the federal and a state license, then all 400 of those traps are transferable, and they have some specific transferability guidelines outlined.

So all of you have this proposal in front of you, and I certainly haven't covered every word of it, but I think these are some of the key LCMT proposals that come out of this proposal under Mark Gibson's cover letter.

What I would like to do, now that we have gone through all the different options, is go back to the beginning and start with effort control. I have some specific questions that I would like to ask the board that from the plan development team's perspective we need answered before we can go to public hearing.

But, also this is an opportunity that if board members would like to delete or edit any of these options, that is the kind of feedback we're looking for. I am going to start with the Area 2 annual review. Actually, I said effort control, but let me go back one slide.

CHAIRMAN LAPOINTE: This is on page 17 of the document, right?

MS. SELBERG: Yes. This is where we include the language about the flexibility, and I'll be looking for any feedback from board members on if they would like to see in these first two paragraphs under 5.3 any changes to this language about flexibility.

CHAIRMAN LAPOINTE: Does anybody desire to see that changed? Seeing none, let's go to the next issue.

MS. SELBERG: The next issue, I'm going to start with the first effort control proposal. This was, like I said, a 2002 LCMT proposal, and my first question for the board is would the board like to replace the LCMT option from 2002 with the most recent proposal from a couple of days ago because it has effort control components?

CHAIRMAN LAPOINTE: Board members? I see some heads shakes, yes, they would like to see the newer option replaced by the -- I mean, the older by the newer. Dick, I see your hand, I'll get you in a minute. Harry.

MR. MEARS: Just clarification, Mr. Chairman. This proposal, as I understand it, is the most recent one under Mark Gibson's signature that has not yet been reviewed by the technical committee; is that correct?

CHAIRMAN LAPOINTE: I believe that it has not gone through formal review.

MS. SELBERG: Correct. Under Mark Gibson's cover letter, I will note the last paragraph which indicates that he is aware that the technical committee has not formally reviewed the LCMT proposal.

There was insufficient time to do this, but he believes that the technical committee report provides enough advice to the board on the various measures to make an informed decision on inclusion in this proposal.

CHAIRMAN LAPOINTE: John Nelson.

MR. NELSON: Thanks, Mr. Chairman. Perhaps it is just me, but that's on page 17 and it's under Option 1, right? So, we're going to substitute what Mark has provided to us, and I have no objection to that. Isn't that the same thing that shows up on page 22 under Option 2?

MS. SELBERG: No, that is the May 2003 LCMT proposal, and I'll have a specific question if that should be included anymore as well. Right now we have three LCMT proposals. One was from 2002, and the reason that was included is the plan development team was doing their best to be all inclusive.

The second was the May 2003 proposal from the LCMT, and the third is the August 2003 LCMT proposal. In Mark Gibson's cover letter, it specifically says that this is a revision from the May 2003. But, when you review the LCMT option, it does include aspects of effort control, so that's why I asked the question if perhaps this was a more updated version.

MR. NELSON: Mr. Chairman?

CHAIRMAN LAPOINTE: Mr. Chairman, please.

MR. NELSON: Okay, thank you. I can see why I was getting confused. Is it appropriate at this time -- I had made my comments earlier in regard to making sure that the options that we had before us provided as much flexibility when it comes back from the public comment.

And, recognizing that some of them are trying to just do effort control and that sort of thing, I'm not sure that provides us with enough flexibility, and that's where I was providing my comment as far as I would like to see where there are effort controls only at this particular stage, that we also include a gauge increase.

I mentioned 1/32 for January 1, 2004 and January of 2005 as suggestions to blend with the effort control. I think that then addresses what Bob had brought up earlier, that gauges by themselves just merely delay the mortality.

But if you're combining it with effort controls, I suspect we have much better results. So if Mark agrees to that, I don't think we need to go through a motion, Mr. Chairman.

MS. SELBERG: I think when we get to the conventional management measure section, we could add an option, if that is what the board would like to do at that point.

The other comment I want to make is about the combination of options. Because we had so many options on the table, we analyzed each of them separately, and we didn't look into combinations because the combination options are endless.

But, the board may wish to explore a combination of options, and I note that in the draft language in the public hearing draft, that the management board may choose any one of these options, a combination of options, or remain with the status quo.

I can emphasize that in public hearings, and in December the board may wish to pursue combining some options. But with limited time and no board direction about which combinations to explore, we didn't get into that.

CHAIRMAN LAPOINTE: I think the question for the board is do we substitute the most recent proposal for the one before? Mark Gibson.

MR. GIBSON: As I said in my cover letter, I think that substitution ought to take place under the traditional management measures option, which we haven't got to yet, but there is an Option 2 in there, which is the old LCMT 2003. That is where the substitution in my view should take place.

The 2002 proposal under effort control is a considerably more elaborate scheme in terms of the transferability provision, the qualification criteria in terms of how many pounds you would have had to have landed to qualify for certain levels of transferable traps.

So, I would argue that substitution not take place there, that one should remain under the effort control options. Again, the new LCMT should go in under

5.3.5, Option 2, is where that one ought to replace what is in there.

CHAIRMAN LAPOINTE: Carrie.

MS. SELBERG: We can certainly take out the May 2003 option, but I would recommend to the board that the new LCMT option be added under effort control because the proposal that they have forwarded doesn't have to do with gauge sizes and v-notching. It has to do with effort controls.

So, my recommendation would be if you would like to keep Option 1 as it stands right now, the 2002 LCMT proposal, we can do that, and I would simply just add an Option 4 with the most recent LCMT proposal.

MR. GIBSON: I guess the only thing I would want to make the board aware of, and perhaps in the board's indulgence you should let Bill McElroy speak to it, but they have not ruled out gauge increases, v-notching, and so on.

Their action, as has been described to me at the LCMT, was to not make those elements mandatory but as possibilities, depending on the level of reduction that was eventually agreed upon. But, it might be worthwhile for the board to hear from Bill, who is the primary architect of this.

CHAIRMAN LAPOINTE: Well, both Bill and Dick have had their hands up, but I want to let the board wrestle with this before I go out to the audience. I will do that before we take a vote on this. Harry Mears and Gil Pope and Bill Adler.

MR. MEARS: Thank you, Mr. Chairman. I do realize we have only a very limited amount of time to conclude our business, but I believe there is a major point we need to clarify. I understand also that staff will have to go back home and clarify what is in the ultimate addendum before it goes to public hearing.

But after the break, we discussed, at least subjectively, how the goal of this addendum would be changed. Before we do additional discussion of the options, at least for me, it would be helpful to at least once again subjectively repeat what the modification for the goal for Area 2, in fact, will be as we discuss these various options, especially as it pertains to the 70 percent figure we discussed earlier this morning.

CHAIRMAN LAPOINTE: To that point, Gordon, or no? My sense is that going into the addendum, we

would not change the goal to Addendum IV. We would leave it as is going to public hearing and --

MR. MEARS: Okay, so right now the goal reads as you read the final paragraph. For example, it's recommending a total allowable catch of 1.14 million pounds for Area 2. Does that carry forward at this point into our discussion of the options?

CHAIRMAN LAPOINTE: Carrie says my clutch is slipping.

MS. SELBERG: Based on the conversation that we had about the goal, my understanding is some language will be added indicating that the goal may change, and that we would include the language as is and then add additional language indicating that based on the 2003 Rhode Island Fall Trawl Survey, you know, if it's 50 percent higher than last year, the goals would change in this way for the total allowable landings figures.

That was my understanding of how the goal language would change. Leave what you have in here and add to it some notice to the public that this goal may change in this way based on the Rhode Island Fall Trawl Survey information from 2003.

CHAIRMAN LAPOINTE: My apologies. Gil Pope.

MR. POPE: Mark, do you want to speak to that first, though?

MR. GIBSON: I just would agree with that, that you don't have to change the abundance targets or the thresholds, other than as the way Bob has spoken they need to be adjusted. So, really, the only thing that becomes flexible now is the TAL calculation and the implied reductions from 2002 levels. That's the only flexibility you need to put in, but the abundance target can remain the same.

CHAIRMAN LAPOINTE: Thank you. Bill Adler and Gordon Colvin.

MR. ADLER: Thank you, Mr. Chairman. First of all, in trying to make this a little bit simpler, I would like to see you leave Option 1 in. You take Option -- now, this is under the -- we'll get to gauges and things like that later, but under the trap stuff, okay, the effort control options that you have here, you've got three options right now.

I would like to see the Option 1 could stay in because that's a way of doing something. Option 2 isn't going to fly, and I would think that you would take

Option 2, and you would also drop Option 3 right out of this thing and replace it with the latest LCMT-approved other way of effort control so that it's simpler.

You've got two different options in here that are pretty different, and I would like to see it simplified by dropping the two that are probably non-starters right out of this thing, and I will stop on that point right now.

MS. SELBERG: We can remove any options that the board would like to see removed. I just want to indicate that we were asked to include a uniform allocation so there was one option that didn't have bins, that it was across the board allocation, so that was where Option 3 came from. But I am looking for board direction on if you would like to drop any of these options.

CHAIRMAN LAPOINTE: Gordon Colvin.

MR. COLVIN: I'm going to make a motion, Mr. Chairman.

CHAIRMAN LAPOINTE: I would welcome a motion.

MR. COLVIN: I move that the LCMT 2 August 2003 trap reduction proposal be substituted for the current Option 2 in Section 5.3.1 and that the current Option 2 be deleted.

CHAIRMAN LAPOINTE: Do I have a second to that motion? Seconded by John Nelson. Comments from the board? Gil Pope.

MR. POPE: So, in other words, Options 1 in 5.3.1 and Option 3 in 5.3.1 would still be in there?

CHAIRMAN LAPOINTE: I believe that is correct.

MR. POPE: Good.

CHAIRMAN LAPOINTE: Other board questions or comments? Audience members, Dick and Bill had their hands up. Mr. Allen.

MR. ALLEN: I just wanted to say that I think that it would be highly inappropriate to remove the 2002 LCMT option. I would say that Gordon's motion is acceptable in my view, that would be the way to deal with this.

Although I'm not implying any comments on whether the Option 2 should be removed, but I just

want to say that I think Option 1 that was submitted by the LCMT in 2002 should be retained in the public hearing document. Thanks.

CHAIRMAN LAPOINTE: Thank you, Dick. Bill.

MR. MCELROY: Thank you, Mr. Chairman. I'm probably the responsible party for putting us through the May proposal and the current August proposal. Just for a point of clarification, I would like to point out that is a two-part plan.

I got the first half passed in May and we got the last of it passed here. And what we just blended together, with the cover letter of Mark Gibson, is the sense and feeling of the LCMT and the industry in Area 2 as representative of what we want to come forward with.

I'm in complete agreement of blending those two and taking out that May plan and substituting this final plan. That is the consensus of what the LCMT 2 team was trying to do.

And, again, agreeing with Dick Allen, which I don't do very often, the feeling amongst many of the members of the LCMT is that earlier bins proposal would have been removed. We did not have time at the LCMT to really discuss that topic. We did not take a vote to remove it. I don't believe that the LCMT has the authority to recommend the removal of that bins plan, the 2002 option.

There is very little industry support for it. The Rhode Island Lobstermen's Association does not support it. The Ocean State Fishermen's Association does not support it, and the Massachusetts Lobstermen's Association does not support it.

But, it was passed by the LCMT and it was not rescinded, so I think it would be wrong for me to suggest that it be taken out of there, even though I want it taken out of there. Thank you.

CHAIRMAN LAPOINTE: Thank you, Bill. Other comments from the audience? Back to the board. John Nelson seconded that motion. Thank you for asking the question, though. I had Harry.

MR. MEARS: Thank you, Mr. Chairman. We're about to vote on an option to bring to public hearing, which I assume may be very well an attachment or an appendix to a draft public information document.

It contains measures which are advocated for the federal government to take in federal waters for

federal vessels. I want to see the plan go forward for public comment.

However, what I would like is some acknowledgement from the board that the National Marine Fisheries Service and staff can work together prior to the final document to acknowledge that these at this point would be recommendations to the federal government for adoption in federal waters and that there is no implication that at this time this is the proposed federal rule.

I think it's going to be very confusing to the public, especially when we've already, on several occasions, documented, for example, why we find it very difficult if not impossible to agree or comply with recommendations dealing with vessel sizing upgrade restrictions.

CHAIRMAN LAPOINTE: Any recommendation we make on management in federal waters would be a recommendation to the Secretary for complementary regs, Harry, and so I think this would -- I mean, our actions would be consistent with that.

MR. MEARS: Hence, my concern is that there needs to be some modification to the wording to the text in this proposal if it goes forward as an appendix and stands by itself for public comment.

MS. SELBERG: Once the board acts on this motion, I have lots of questions on the options that are included that still have not been answered. I have questions on the LCMT proposal from August 2003, I have questions on Option 1 under effort control that I am going to need the board to answer.

So, once the board acts on this motion, I'll go ahead and start asking those questions that are specific to those options because they're important.

CHAIRMAN LAPOINTE: Board members, any other questions? I'm getting some people asking to call the question, and I'm with them because we only 32 minutes left. Is there opposition to calling the question?

The motion, just for people, would be that the LCMT proposal of August 2003 on trap reductions replace the effort control Option 2 in Section 5.3.1. Board members, do we need time to caucus? Gil Pope, quickly.

MR. POPE: That still includes Option 1 and 3?

MS. SELBERG: All this is doing is replacing one option, meaning that Option 1 and 3 stay.

CHAIRMAN LAPOINTE: Do we need time to caucus? We need one of those clocks like they used in one of those game shows. Time to caucus for folks? I see nobody asking for time to caucus. Is there opposition to the motion? I see no opposition to the motion and it passes. Carrie, do you want to ask your questions now?

MS. SELBERG: With Option 1, under Section 5.3.1, which begins on page 17 and goes through the next several pages, I have several questions.

The first question is this was written in 2002 before technical advice was provided; and as you'll see on page 19 in the middle of the page, I have included two columns.

The first column is the LCMT proposal as it was proposed, and the second includes the 70 percent reduction as recommended by the technical committee. So, I'm looking for some board guidance on do you want me to go with the LCMT proposal as proposed? Do you want the column that says to implement the TC recommendations or would you like both to go?

CHAIRMAN LAPOINTE: Board members? Gordon Colvin.

MR. COLVIN: Well, we made that more complicated this morning by introducing the fact that a range needs to be included. I think the PDT has got its answer from that decision, that we will need to make it clear that there is a range consistent with that other text that we directed earlier.

CHAIRMAN LAPOINTE: But I would think we could do that in one spot and not try to modify each motion with a matrix of different options at this point.

MR. COLVIN: I agree and I think we already did it.

CHAIRMAN LAPOINTE: Good.

MR. COLVIN: And my only request is that when the PDT does it, that we not second guess what they did.

CHAIRMAN LAPOINTE: Right.

MR. COLVIN: I think we've given the guidance.

MS. SELBERG: Well then, I'm not clear on the guidance because the guidance was to put some language in there that there may be some flexibility with that total allowable landings and the 70 percent.

But what I need to know, then, is do I go with then the — you know, if it ends up being a 50 to 70 or something like that, is that what I put in; or, do I put in what the LCMT proposed in 2002 or do I put both in?

CHAIRMAN LAPOINTE: I have one suggestion for both. Mark Gibson.

MR. GIBSON: My suggestion is the same as Gordon's, is that we have dealt with that issue and that a specific recommendation to deviate from the LCMT proposal is not necessary. But, you need to state somewhere in here very clearly that any of these may deviate depending on the TAL calculation and the percent reduction and the range around those.

So, I wouldn't have a specific technical committee based 71 percent reduction in here. It wouldn't bother me if there was a little reminder in each one parenthetically or somehow that these things will change depending on reference to the particular section.

MS. SELBERG: It sounds like what I am hearing is that I should include the proposal as written by the LCMT and note that each of these bins will be reduced based on the TAL that is chosen by the board in the goal section. Is that appropriate?

CHAIRMAN LAPOINTE: I see lots of heads shaking, so good. Next question.

MS. SELBERG: As I said, we tried to do our best to stay as true to the LCMT proposal as possible, but there are some sections where the plan development team recommends that dates be advanced given that we're one year later, and to make the dates consistent with the technical committee's work on the total allowable landing calculations.

I'm just looking for board feedback that it's okay for the plan development team to change those dates to be consistent with the technical committee work on interim benchmarks and TAL calculations.

CHAIRMAN LAPOINTE: Any opposition to that suggestion? Seeing none, next question.

MS. SELBERG: The final question on this option is on page 20, and the LCMT proposal didn't include

something about maximum allowable traps. It wasn't included; it was implied in some places. So, we're asking for the board if we include an Option C, which is no limit, but should these options be included in the public hearing draft?

CHAIRMAN LAPOINTE: Board members? Carrie, you said that the idea of maximum allowable traps was implied in the LCMT document or was not?

MS. SELBERG: It some places it appeared to be implied, but it wasn't stated and it wasn't clear. So we added this in, but we're asking for board feedback on if that should be included.

CHAIRMAN LAPOINTE: Is there opposition to adding it just with some explanation during the public hearings about what that would mean? Pat White and then Eric Smith.

MR. WHITE: Well, not remembering what it is that I read, but I thought it was fairly implicit that although they had suggested transferable programs, that it wouldn't exceed the 800 trap trap limit. Maybe one of the producers of the document could —

CHAIRMAN LAPOINTE: Well, I think what Carrie said was that it was implied in some spots, but it was unclear, and so what this would do is specifically ask for comment on that during the public hearing process so that when a decision is made we would be abundantly clear. Eric Smith.

MR. SMITH: And in following the thought of that, the document essentially will say do you want to have a cap or don't you.

CHAIRMAN LAPOINTE: Right.

MS. SELBERG: A final note of clarification. I have been working with Mark Gibson, and we're going to be asking the LCMT about some clarification on this section that talks about banking traps. It is discussed on the top of page 20.

So we hope to come back to the board at your next meeting with a little more clarification about what that means because the plan development team wasn't exactly clear. I don't think it's anything the board needs to act on right now, but just so you know we are going to be seeking clarification from the LCMT on that.

CHAIRMAN LAPOINTE: Thank you. Harry.

MR. MEARS: Just one question for the record. We're going to the public with Options small a and small b, which are predicated on defining number of traps in Area 2 with the Rhode Island license, with the Massachusetts license only, and with the federal permit. We cannot do that definitively from the federal government perspective.

My question is can the states of Rhode Island and Massachusetts, do they have definitive data to be able to make that concrete determination?

CHAIRMAN LAPOINTE: The states of Massachusetts and Rhode Island, quickly and briefly.

MR. GIBSON: Well, we have the state logbooks that people make declarations as to where they are fishing and how many traps they're deploying. I mean, is that the question, how are we going to determine how many Rhode Island traps are deployed in Area 2?

MR. MEARS: Correct. So if they cross management areas, your logbook system allows you to, within a reasonable degree of competence, conclusively look at logbook by logbook and how many of those traps were within the Loran coordinates encompassed by Area 2?

MR. GIBSON: Yes, we're collecting that information now, and I can't speak for Massachusetts.

CHAIRMAN LAPOINTE: Paul.

MR. DIODATI: I think I sense what Harry wants to know is can we distinguish between Area 2 and Area 3 landings on our catch report; right? I'm not sure that we can; I don't think so.

CHAIRMAN LAPOINTE: Harry.

MR. MEARS: So, Mr. Chairman, I guess my point is as we go to public comment, if this remains an option, it's incumbent upon us to say that we're presenting this as an option but we don't know if we can do this.

CHAIRMAN LAPOINTE: Or we know we can't; I mean, just because it was part of a proposal, yes. Gil Pope and then I'm going to move on.

MR. POPE: I thought the question was traps and not landings. Was it traps and not landings, right?

MR. MEARS: Traps, correct.

MR. POPE: Yes, it's traps, Paul, and not landings.

CHAIRMAN LAPOINTE: Carrie says we can note the concern in public hearing and we'll have a clearer answer by then. Gil.

MR. POPE: A quick question. Are you through with your questions, I'm sorry? Option 3, the one that was left in, uniform allocation, that will also change, won't it, from the 240? It will be 800 down to a certain number?

CHAIRMAN LAPOINTE: There would be some discussion that in fact would change if the reduction was lower than 70 percent. Quota options.

MS. SELBERG: Those are all my questions for the effort control section. I am going to come back to the most recent LCMT proposal, because it's just simply at the end of my presentation because I do have some specific questions about that.

But for now I am going to move on to quota. You'll see we allocate by state, and my only specific question is other states besides Massachusetts, Rhode Island, Connecticut, and New York are not included, and the plan development team needs feedback on how landings from these states should be handled.

We discussed an other category, we discussed not allowing landings from those states from Area 2, but we really are looking for board feedback on how to handle those other states.

CHAIRMAN LAPOINTE: Maine says thank you, Jesus, we're not included in this. Board members? Eric.

MR. SMITH: Can I ask simply, without getting a real long answer, how the distribution of pounds here in this allocation came about because there are at least four different reporting systems. Did you poll each state for --

MS. SELBERG: I called each state and asked for their landings for 2000, 2001, and 2002 and based it on that information.

MR. SMITH: By Area 2 only?

MS. SELBERG: By Area 2. The only state that had some difficulty pulling out the Area 2 landings was New York; and as their technical committee representative said, they did the best they could in estimating which parts were Area 2.

CHAIRMAN LAPOINTE: The question for the board is do we -- isn't it also a question of whether we leave the whole option in there or not?

MS. SELBERG: The overall question is I have a specific question of how to handle those other states; and then if the board would like to edit or delete this option, that is a possibility too.

CHAIRMAN LAPOINTE: Gerry Carvalho.

MR. CARVALHO: We can solve this problem, Mr. Chairman. Move to drop this option.

CHAIRMAN LAPOINTE: Is there a second to the motion?

MR. DIODATI: Second.

CHAIRMAN LAPOINTE: Seconded by Paul Diodati, which would delete the quota option from Addendum IV. Board comments? Mark Gibson and Dick, I've seen your hand. Thank you.

MR. GIBSON: I fought for the retention of this item last time and I'll do it again. I would note that the technical committee has suggested that this is one of the primary ways or one of the most effective ways in reducing fishing mortality and staying within the bounds or the logistical difficulties of implementing are not withstanding.

Most of the great stock rebuilding that we have achieved in other arenas has been done centered around quota-based systems. I would argue for it remaining in.

CHAIRMAN LAPOINTE: Other board comments? Gordon.

MR. COLVIN: I'll support keeping it in. I know that this is important to Rhode Island's state management agency, but I would point out that we don't have to have a TAL option that includes state quotas either.

You know, it might make it easier for the purposes of monitoring, tracking landings, and acting, but it isn't necessary. It isn't essential and I'm not going to make a motion. But in the unlikely event that this ever gets to that point, some time down in the road in December or whenever, then we'll have to talk about that.

CHAIRMAN LAPOINTE: Other board comments? Paul Diodati.

MR. DIODATI: What I am most sensitive to with this particular option is prematurely assigning the state-by-state allocation to the quota. So if it remains, I would prefer that it remains as a quota option without the allocation today.

CHAIRMAN LAPOINTE: Is that acceptable to other board members? Good. Other board comments? Carrie.

MS. SELBERG: When I go to public hearing, one of the first questions I am going to get is how will this quota be allocated, so if someone could just provide feedback on if I should just say the allocation scheme has not been decided -- it may be state by state, individual, or groups of fishermen -- just so I have some sort of answer to that question.

CHAIRMAN LAPOINTE: I don't see any other suggestions, so that is fine. Gordon.

MR. COLVIN: How far do we want to go? There are many possible answers to that question, one of which is forget the state-by-state allocation altogether and go to a seasonal distribution of landings. One image springs to mind of an all out January, February, March fishing derby. Wouldn't that be interesting?

You know, unless we want to sort that stuff out now, I think the best thing to do is to do as Paul Diodati has suggested. Delete the state recommendations and indicate that if we go forward with this, we will have to come up with some quota-management system which may or may not include state allocations.

CHAIRMAN LAPOINTE: Right.

MS. SELBERG: Okay.

CHAIRMAN LAPOINTE: Other board comments? I'll take Dick before we --

MR. ALLEN: I agree with the discussion.

CHAIRMAN LAPOINTE: Thank you, sir. Other comments on this option? Bill.

MR. MCELROY: Thank you, Mr. Chairman. I agree with the original motion to strike quotas as a management measure at this point. It's just too controversial and too difficult to pin down and we have other ways of getting there. Thank you.

CHAIRMAN LAPOINTE: Pat White.

MR. WHITE: A question. The motion on the floor now is to remove the option, but then Paul said --

CHAIRMAN LAPOINTE: Well, that's the direction --

MR. WHITE: -- to remove state percentages.

CHAIRMAN LAPOINTE: It shows poor leadership on my part. I should have ruled him out of order, and I apologize for that.

MR. WHITE: So the motion remains as we see it?

CHAIRMAN LAPOINTE: That is correct. Other comments or questions? Seeing none, we will act on the motion. The motion is to remove the quota option from Addendum IV. I'll have a show of hands for those in favor. A short state caucus time.

(Whereupon, a caucus was held.)

CHAIRMAN LAPOINTE: Are you done? Remembering that the motion is to delete the quota option, those states in favor of this motion, raise your hands, please. One in favor. Those opposed, like sign, six. The motion fails. Gordon Colvin.

MR. COLVIN: I move that Section 5.3.2 not include the allocations based on landings history paragraph.

CHAIRMAN LAPOINTE: Is there a second to the motion?

MR. WHITE: Second.

CHAIRMAN LAPOINTE: Discussion on the motion? Paul.

MR. DIODATI: Just for clarification, does that mean that the poundage associated with the quota would also not be reflected in this option?

MR. COLVIN: This motion doesn't address that, but I think the previous guidance and continuing discussion of that issue already addresses it, yes.

CHAIRMAN LAPOINTE: Other questions or comments on the motion? Seeing none, anybody from the public want to comment on the motion? Seeing none, we will act on the motion. The motion is to take out the state-by-state allocations from 5.3.2. Is there objection to the motion? Seeing none, next question.

MS. SELBERG: The next section is closed seasons. I have no specific questions except for asking for board feedback if you would like to see any edits to this option or if you would like this option to be deleted.

CHAIRMAN LAPOINTE: Board members? Bill Adler.

MR. ADLER: If this is left in, I think it might be wise to put what do you think about closed seasons, and you might want to put a range of what you would get for what months because there may be some support for some closed season time. There won't be any support for one month open, for obvious reasons. But if this stays in, I would like to see a range that this is what you would buy if you took off that. She is saying no. All right

CHAIRMAN LAPOINTE: Bob, briefly.

MR. GLENN: Just very briefly, as I indicated before, by the nature of trying to evaluate a closed season, the impacts of one are not as clearcut enough to make distinctions that if you close it by one month you will get this; and if you close it by two, you get this and three and so on because a large degree of recruitment can occur during the open seasons, and also the history that we have of seeing how it has worked in other management areas.

So I don't think we would be able to generate a chart and have any confidence in it relative to the degree of different percentages you would get if you had different sized closed seasons.

Qualitatively, I can say the shorter the closed season, the better the chance it has at causing a landings reduction, but other than that, it is fairly difficult to give you an accurate estimate of the exact percentage reduction that would occur.

MR. ADLER: Okay, because if you leave it this way, you're going to kill it, obviously.

CHAIRMAN LAPOINTE: Gil Pope.

MR. POPE: Thank you. I would like to make a motion to remove it from the document, 5.3.3.

CHAIRMAN LAPOINTE: Is there a second to that motion?

MR. ADLER: I'll second.

CHAIRMAN LAPOINTE: Is there discussion on the motion? This would be to delete the closed season option from the document. Any comments from the public? Seeing none, we have already worn these guys out.

Do states need time to caucus? Seeing none, the motion is to remove the closed season option from the document. Those states in favor of the motion, please raise your hand, two in favor. Those states opposed, five. Abstentions, one abstention. The motion fails. The next question would be on the closed area option. Do we want to keep that in the document? Bill.

MR. ADLER: I would like to make a motion to take the closed area option out of this addendum because even the technical committee didn't really think too much of this idea for a number of reasons, which you can read in the technical.

CHAIRMAN LAPOINTE: Let's shorten this. Does anybody want to leave it in there? We've got a motion and a second. Seconded by Gordon Colvin and the motion is to take the closed area option out of the document. Comments? Mark Gibson.

MR. GIBSON: I don't necessarily want to keep it in there, but advise the board that there may be large area closures imposed in the lobster fishery area for other reasons, whale conservation and so on, and there needs to be a way to recognize when those happen and accruity and account for any conservation benefits that happen as a result of those.

So if there is a way to do that, to be able to recognize down the road if and when they occur without an option being in here for a closed area, I would be fine with it coming out.

CHAIRMAN LAPOINTE: I think that will happen, and certainly the state of Maine would make the same argument and so we don't need to get whale conservation mixed up in the Addendum IV argument this morning.

We had a motion and a second to remove this option from the document. Any public comment? Seeing none, going back to the board, do we need time to caucus? Is there objection to the motion? Seeing none, we go to the next issue, which is traditional management measures.

MS. SELBERG: Traditional management measures. Right now we have four options. The first option, status quo, staff had intended to delete that option, and that was added for technical committee analysis.

But right up front, in all of the management measure discussions, we say status quo is open to the board, so it's really not a traditional management specific measure. So status quo is an option to you, but it doesn't belong under this section.

The second question I have is should Option 2 be deleted per earlier discussion of this board meeting and Mark Gibson's memo indicating the new LCMT option was intended to replace this.

CHAIRMAN LAPOINTE: Gordon Colvin.

MR. COLVIN: Mr. Chairman, I have a motion. I move that we delete Option 1, that we delete Option 2, and that we add a new option which will read as follows: Increase the minimum gauge in annual increments of 1/32 or 1/16 inch in combination with other measures.

MR. NELSON: Second.

CHAIRMAN LAPOINTE: There is a second by John Nelson. Discussion on the motion? Seeing none, are there comments from the audience? Bill.

MR. MCELROY: I'm reading the board there and it says decrease.

CHAIRMAN LAPOINTE: Good catch, and it's going to be fixed. Megan is going to smack me for talking so fast when we're done, but back to the board. Mark Gibson and then Gil.

MR. GIBSON: Is there a time certain as to when this begins? We just included the gauges that were required under the operational amendment. We sped them up with emergency action, so we're not scheduled for any more in Area 2. If we do go ahead with more, and I support having that option in there, is there a time certain as to when they would begin? It says annual, but starting in 2004?

CHAIRMAN LAPOINTE: And you're already increasing in '04 or you are not?

MR. GIBSON: No, there is no more, we're done. The emergency action simply sped up --

CHAIRMAN LAPOINTE: Clarification to the board is starting in 2004?

MR. COLVIN: Beginning in 2004 if it's helpful to clarify that is --

CHAIRMAN LAPOINTE: Is that okay with the seconder?

MR. NELSON: Yes.

CHAIRMAN LAPOINTE: All right. Pat White.

MR. WHITE: There is no ceiling on these increases indicated in this motion?

CHAIRMAN LAPOINTE: If they get a five-inch maximum, there would be -- I don't know. Actually, we've implied in all these discussions is that the board annually evaluate the management program. I think that we would go as far as we needed to with it. I don't think we need more clarification than that. Board members, do you need more time? Bill Adler.

MR. ADLER: I can't support this. I think with the gauge increases they've had now, I think that's all they can take, and I think that taking it any further than that is ridiculous. I can't support that at all.

CHAIRMAN LAPOINTE: Thank you, Bill. Other board members? Mark.

MR. GIBSON: I would just point out that all we have done so far is the original Amendment 3 measures to Area 2. We just did them a little bit faster.

CHAIRMAN LAPOINTE: Gordon Colvin, the maker of the motion looks perplexed.

MR. COLVIN: No, it's okay. I would have put beginning in 2004 at the end. I would have put a comma after "measures" and then said beginning in 2004. I think it has the same meaning, Mr. Chairman.

CHAIRMAN LAPOINTE: Great.

MR. COLVIN: Just one other thought, where are we in Area 3 with respect to gauge? Are we on schedule to get to 3-1/2 inches?

CHAIRMAN LAPOINTE: 3-3/8 now and on schedule --

MS. SELBERG: Area 3?

CHAIRMAN LAPOINTE: Area 3.

MR. COLVIN: Area 3.

MS. SELBERG: I'm sure David Spencer could answer it off the top of his head.

MR. SPENCER: We're at 3-5/16.

CHAIRMAN LAPOINTE: 3-5/16, David, and you go to 3-3-8 next June?

MR. COLVIN: And is there a schedule to go beyond 3-3/8?

CHAIRMAN LAPOINTE: Yes, there is, to 3-1/2 by 2008.

MR. COLVIN: So that's already been nailed down, and it just seems to me that if we're already there in Area 3, that the argument that further gauge increases in Area 2 is a problem, you know, should be considered in the context of what has already been put in stone for Area 3.

CHAIRMAN LAPOINTE: Right, I agree. Board members? Paul.

MR. DIODATI: What are the minimum sizes scheduled for Area 6, just to put 2, 3, and 6 in context?

MR. COLVIN: What is the reason for that question?

MR. DIODATI: I'm just curious.

CHAIRMAN LAPOINTE: Other comments or questions? Gerry.

MR. CARVALHO: In response to Gordon's question, it's the same stock, and we've got fishermen fishing on the same resource with different gauge sizes. It's important and the problem gets greater as time goes on and the differences are greater. I think that is obvious and needs to be addressed at some point. We don't need to make it worse. We need to solve the problem.

CHAIRMAN LAPOINTE: Other board comments or questions? Seeing none, we will take the question. The motion reads move to delete Options 1 and 2 and add a new option that will state: Increase the minimum gauge in annual increments of 1/32 or 1/16 of an inch in combination with other measures, beginning in 2004. It was made by Mr. Colvin and seconded by Mr. Nelson. Eric Smith.

MR. SMITH: Wouldn't it make more sense, frankly, on this particular point to amend Option 4 to say -- in

other words, delete Option 1 and 2 because there is clarity, and I think agreement on that.

But the other one, Option 4, you have increase the minimum gauge to 3-1/2 inches, and you may just want to say increase the gauge in increments of a thirty-second or a sixteenth up to -- in other words, keep the issues separate.

CHAIRMAN LAPOINTE: Right. Well, I mean, that's a good question. Is there opposition to taking Option 4 out? Seeing none, we can deal with it outside of the -- can we make that friendly amendment to the motion, just to delete Option 4?

MR. COLVIN: I have no objection.

CHAIRMAN LAPOINTE: John Nelson.

MR. NELSON: No objection.

CHAIRMAN LAPOINTE: With that clarification, we'll call the question. Do we need time to caucus?

(Whereupon, a caucus was held.)

CHAIRMAN LAPOINTE: States, are we ready, and Commonwealth? Rhode Island is ready? Commonwealth ready? Other states?

The motion is to delete Options 1, 2, and 4 and add a new option to increase the minimum gauge in annual increments of one thirty-second or one sixteenth of an inch in combination with other measures, beginning in 2004.

Those states in favor of the motion, please raise your hand, five. Those states opposed, like sign, two states opposed. The motion carries. Carrie, the next issue is the moratorium option.

MS. SELBERG: I have no specific questions.

CHAIRMAN LAPOINTE: No specific questions. Do we leave it in to scare the bejesus out of people? Gil Pope.

MR. POPE: I would like to make a motion to delete that from the document, please.

CHAIRMAN LAPOINTE: Is there a second to that motion? Seeing no second, the motion fails.

MR. ADLER: I'll second it.

CHAIRMAN LAPOINTE: Bill. The motion is to

delete the moratorium option from the document. Do we need time to discuss this? Audience members, any comment? Seeing none, we will go back to the board. Do states need time to caucus? I'll give you time to caucus. I won't even ask the question.

(Whereupon, a caucus was held.)

CHAIRMAN LAPOINTE: Rhode Island ready? Massachusetts ready? Those states in favor of the motion and the motion is to take the moratorium option out of Addendum IV, please raise your hand, four. Those states in favor of leaving it in, like sign, three. The motion carries.

The next and last issue is management measures for the non-trap fishermen option, and this would be adjusted by our earlier motion about if there is a lesser reduction in effort, that the reduction in traps or landings, rather, would likewise be lessened. Comments? Vito Calomo and then Gerry.

MR. CALOMO: Mr. Chairman, I would like this to be removed from the document. It was about ten years ago that the non-trap sector took a huge blow of a 75 percent reduction, and why should they do it again?

In the name of conservation, it was done at that time. I don't think it was justified at that time, and now still again we want them to take another drastic reduction. So, again, I state to you that I would like to have this removed from the document.

MR. COLVIN: Second.

CHAIRMAN LAPOINTE: Moved by Vito Calomo and seconded by Gordon Colvin. Comments? Bill.

MR. ADLER: I support this motion because back when that amendment was put in, that was part of the thing is that this is all the dragger and non-trap groups would have to do with regard to lobster conservation, and that would take care of them. And now in this case we're saying well, no it didn't, we're going to do more. I would support this motion.

CHAIRMAN LAPOINTE: I need a minute to caucus with my executive director. Vince informs me that in discussions with Paul Linzinni, we need to treat the non-trap sector consistently with the trap sector, and I think that would argue for leaving the option in the document as we move forward.

Now I see scowls. Vince, do you need to elaborate on that at all or no? No, he says. So from the context

of our legal counsel, maintaining this option would keep us consistent. Vito.

MR. CALOMO: Are you saying that this motion is out of order?

CHAIRMAN LAPOINTE: My chairman is saying yes. Eric.

MR. SMITH: I would respectfully wonder about that ruling for this reason. They are different fisheries. I can understand in a legal sense of not wanting to tinker with where we are in a court case, but the fact is the argument has been made that the trawl fishery, if anything, took a larger conservation reduction five years ago than the pot fishery did, and that's why the motion seems to be responsive to that.

I would consider, just like any other action we take, it's for the board to decide whether they agree with that sentiment voiced and, therefore, want to vote on the motion.

It's right to hear what Vince had to say, and we do so with the understanding that, yes, that may make life a little more difficult in that, but I haven't had a chance to even think over what that advice is.

And just on face value, because of the differences in the two fisheries and how things evolved from management to the court case, I'm not sure I would agree with it.

CHAIRMAN LAPOINTE: My recommendation would be -- that is a valid question -- would be like we have done on other options is to leave it in there and then have Mr. Linzinni come back to us in December and then tell us about the risk of taking it or leaving it in. So we can leave it in, we can discuss it, and we can get better clarification on the legal positions. Vito.

MR. CALOMO: Mr. Chairman, are you going to -- I heard what you said. Are you going to take this out at this time then?

CHAIRMAN LAPOINTE: Well, we have a motion and a second. I wouldn't mind having the motion withdrawn.

MR. CALOMO: Are you ruling the motion out of order, Mr. Chairman? I believe this is a valid motion, number one, Mr. Chairman, and to further explain it is this was -- the non-trap sector was less than 2 percent of the industry, less than 2 percent of the landings, yet we took a 75 percent blow in reduction.

I think it was longer than five years, and yet again you're asking the non-trap section, in the name of conservation, which they've already done, as explained by me and others, to take another hit. I think this is not justified.

CHAIRMAN LAPOINTE: I am going to go to John Nelson because he is asking for the floor.

MR. NELSON: Thank you, Mr. Chairman. I appreciate all the points that have been made, but I think that the appropriateness of having this in for public comment and recognizing that it would also be modified with the range that we have proposed for the other sector of harvest and given the legal implications that we can get further refined at a later date, I move to table this motion.

CHAIRMAN LAPOINTE: A motion to table. Second to that motion? Motion to table. Second to the motion? Bruce Freeman. Discussion on the motion to table and the motion would be to table until — well, I mean it would be irrelevant because of Addendum IV moving forward.

There is a motion and a second to table. Are we ready for the motion? Time to caucus for the states? Are we ready, states? The motion is to table the first motion. Those states in favor of tabling the motion, please raise your hand, six. Those opposed, two. The motion carries. Vito Calomo.

MR. CALOMO: Mr. Chairman, I would like to make another motion, please.

CHAIRMAN LAPOINTE: You may.

MR. CAOLOMO: I would to have a motion that we have the option on 5.3.7, of a status quo option to be entered into the document.

CHAIRMAN LAPOINTE: Carrie informs that it's already included, Vito.

MS. SELBERG: Right up front I indicate that the board may choose any one of these options, any combination of options, or the status quo. When I get to this section in public hearings, I can make that clear to those members of the public that status quo is always an option as I go through all of the different ones.

MR. CALOMO: Would it be in writing?

MS. SELBERG: It already is in writing, right up front.

CHAIRMAN LAPOINTE: Dennis Abbott.

MR. ABBOTT: Yes, Mr. Chairman, the numbers in there are 30 lobsters or 150 a trip, should those be changed or removed as we're not doing 70 percent?

CHAIRMAN LAPOINTE: There would be a note about an adjustment to that based on our earlier action. Gil Pope.

MR. POPE: The only thing that bothers me is that it's a different sector, it's a different kind of fishery. The fishery doesn't necessarily have to say where it's fishing, when it's fishing, what it's doing, where it's going to land, sizes, and all of that.

So it's an extremely complicated thing to try and make work because it's not like declaring where you're going to fish and it's not like declaring all of these other things and these people can — I don't see how it could work.

CHAIRMAN LAPOINTE: As opposed to the rest of the document, which is extremely simple, Gil, I mean I would answer in response.

MR. POPE: No, I'm not making light of it. No, I'm not making light of that. I'm just saying that it's one those things which is handled completely differently and has been handled completely differently from the beginning.

It has not been like the trap sector at all. So for you to now handle it like the trap sector on a conservation basis when you didn't do it before is wrong. Thank you.

CHAIRMAN LAPOINTE: Pat White and then Ritch White.

MR. WHITE: I think to allay some of the concerns, I think although it is explained, Carrie, as you said earlier in the document, if you could put status quo itemized in that particular one, it would probably be less of a target.

CHAIRMAN LAPOINTE: Thank you, Pat. Ritch.

MR. WHITE: Are you ready for a motion, Mr. Chairman?

CHAIRMAN LAPOINTE: On the entire addendum?

MR. WHITE: Yes.

MS. SELBERG: No, No.

CHAIRMAN LAPOINTE: No.

MS. SELBERG: I still need to ask questions about the most recent LCMT option. That's my last set of questions.

CHAIRMAN LAPOINTE: Hold on. Gerry, what is your question or comment in regard to, and I have Bruce still from the earlier issue, I know that.

MR. CARVALHO: I have two additional motions. Gil will give one and I'll give one or I'll give them both.

CHAIRMAN LAPOINTE: Carry on.

MR. CARVALHO: The first motion is to move to require a state to be required to adopt a single size for that state in its landings.

CHAIRMAN LAPOINTE: That would be an option in Addendum IV, that it would require states to have a single size for the fishermen in their state?

MR. CARVALHO: For landings, yes.

CHAIRMAN LAPOINTE: For landings. Is there a second to that motion? Bruce, that's a second? All right. This pertains to the states who have fishermen in Area 2?

MR. CARVALHO: This problem exists because we have multiple sizes from different areas and fishermen fishing those different areas come into the same state and some of these fishermen have fish in those different areas.

So they can choose the area they're coming from when they come in to identify either the smaller or larger lobster, and it's a problem we can deal with from enforcement and from a management standpoint. This would solve that problem.

CHAIRMAN LAPOINTE: Gordon Colvin.

MR. COLVIN: I need to ask specifically does this motion apply to the people fishing in Area 2 under the Area 2 section of this addendum?

CHAIRMAN LAPOINTE: Maker of the motion?

MR. CARVALHO: I would have to think about that, Mr. Chairman.

MR. COLVIN: Mr. Chairman, I hold that if it does not, then the motion is out of order because it constitutes a plan amendment.

CHAIRMAN LAPOINTE: I would agree with that.

MR. COLVIN: I also point out that while we have talked a great deal about this issue over the last five or six years, Amendment 3 embraces area management, contemplates different gauges in different areas, and does require lobstermen to be permitted and declare their areas and be governed by the most restrictive rule.

CHAIRMAN LAPOINTE: And we had it as a separate agenda item, which we won't frankly have time to discuss because it's more than a fifteen-minute discussion.

MR. COLVIN: So as a point of order, Mr. Chairman, I ask that the motion be ruled out of order.

CHAIRMAN LAPOINTE: I will rule that way so just we can have a full discussion on it. We'll put it on the December agenda. Your second motion, Mr. Carvalho or Mr. Pope.

MR. POPE: Thank you very much. I would like to include this as 5.3.8 as a new option, and I would like to move to include that option in the document for equivalent landings and effort reductions in the recreational fisheries in Area 2.

CHAIRMAN LAPOINTE: I don't know as -- elaborate a little bit.

MR. POPE: Each state has recreational fisheries, and our state has recreational fisheries and is in Area 2, and I'm not sure about Paul's state as well. But these recreational fisheries, in some cases there's 12,000 of them I think, and I'm not sure. There is a lot of them in certain states.

If we're going to have conservation for, say, the commercial and especially the mobile gear sector, which is a very minute section, then we should have it for all the sections as well. Thank you.

CHAIRMAN LAPOINTE: It's unclear from staff whether we have the option of doing that within Addendum IV. It's a valid question. I mean, with your clarification, first, I'll see if there is a second to the motion? Seeing no second, the motion dies. Other questions, Carrie.

MS. SELBERG: The last set of questions I have relate to the most recent LCMT option, which you have already decided to include, but I have a couple of clarifying questions for the board. So we are now working off of — the LCMT option has the Mark Gibson cover memo on it.

The first question I have is that I need — this is a proposal designed for board review, is my understanding, and I need to be able to put this in addendum language.

I would like board permission to go ahead and put this in, you know, more addendum appropriate language' and when I do that, there are a couple of things, when I started thinking about how I would do that, that I would like board guidance on.

One, there are measures throughout this document of things that are already in place, so I would like to not include those measures. You know, things such as gear code 800, my understanding from our federal partners is that already is a measure that is in place.

The section that talks about how federal requirements -- that each federal permit holder register a specific vessel, some of those things are already in place. I would like to go ahead and pull those out if I have board permission to do that.

CHAIRMAN LAPOINTE: Is there opposition to Carrie doing that? Seeing none, permission is granted.

MS. SELBERG: The next issue is the language regarding Area 2 and 2/3. The way our area-based management works at this time is we have Area 2 fishermen and Area 3 fishermen fishing in that overlap zone, and you are bound by the management measures for which area you are permitted in.

So from legal and logistical point of view, I think it is much simpler to say Area 2, which from all of our past addendum already indicates that for Area 2 fishermen fishing in the overlap zone, it would apply to those fishermen.

CHAIRMAN LAPOINTE: Is that it?

MS. SELBERG: No.

CHAIRMAN LAPOINTE: I thought you were going to say that.

MS. SELBERG: Two other questions. One, in the proposal there are a couple of sections where there

are question marks, and it seems to have to do with those individuals who have a limited history in Area 2 and are allocated a hundred traps and there are question marks.

I just need guidance on how to handle those question marks. I'm not sure if I need to go back to the LCMT, if I need Rhode Island and Massachusetts guidance on that or what.

CHAIRMAN LAPOINTE: Board members?

MR. NELSON: Back to the states.

CHAIRMAN LAPOINTE: Back to the states, John Nelson says. Is there opposition to that? There is no opposition to that. Next question, Carrie.

MS. SELBERG: The next question is this board has had many discussions about transferability, and one of the requests by the board is that as transferability programs are proposed, that there be consistency among different programs.

There are a couple other specific measures, such as a minimum number of traps to be transferred. In this document right now we have inconsistencies between the Area 2 proposal and the Area 3 proposal.

I am anticipating concern by states trying to implement those programs having two different transferability programs and this specific proposal not being consistent with some of the transferability guidelines that you have set up in the past.

I want to call that to your attention and ask for feedback on if you would like any edits to this LCMT proposal and the public hearing draft to address those concerns.

CHAIRMAN LAPOINTE: John Nelson and then Paul.

MR. NELSON: If the ones we have set up are more restrictive, then I would say that this proposal should reflect that. If these are more restrictive, then I'm not sure that — we probably ought to let the public have a chance to see the increased restriction that is being proposed.

Does that make sense or -- it doesn't. Well, let me ask this. Is what we have set up for Area 3 more restrictive than what is proposed here for transfers?

MS. SELBERG: Not necessarily more restrictive, just set up in a different way such as when the

transfers can take place. It's different from the Area 2 proposal to the Area 3 proposal.

The minimum traps to be transferred is different in the two proposals, and in the past board members have indicated if we move forward with transferability proposals, there should be some consistency among the different programs and the different areas.

I am just trying to call your attention to this because I can see this getting implemented and then concerns being expressed later.

CHAIRMAN LAPOINTE: Can we, in the document, as it goes forward, note those differences, particularly in regard to the guidelines we have, and in the public document tell people that we intend to standardize those in our decisionmaking in December? Does that make sense? Ritch White.

MR. WHITE: It should be in both parts then. It should be in the Area 3 as well, that statement.

MS. SELBERG: If the difference, as George just outlined, is between the proposal and the guidelines that you set up earlier this year, then that wouldn't matter because the Area 3 proposal is already consistent with those guidelines. I think that's the direction I would suggest.

CHAIRMAN LAPOINTE: Board member comments? Paul.

MR. DIODATI: I can see very easily where I'm heading down the road where I'm going to have three different transferability programs within my state, and I'll ask the board now to give me the flexibility to adopt one program that is the easiest to enforce, the easiest to understand by the participants, and the easiest to administer by the agency, because I certainly do not want to administer three different programs with limited resources to do so. Don't put me in a position to do that.

CHAIRMAN LAPOINTE: Well, no, and I think that was the intention of stating publicly that in fact that was a dilemma that would be unmanageable, and that we would have to note that. I've had Bill and then Bonnie.

MR. MCELROY: Thank you, Mr. Chairman. I think I'm interpreting the question in regards to whether we would have transfers in fifty pot lots or ten pot lots. As far as the Area 2 LCMT is concerned, we

had very little discussion on, you know, ten or fifty, and it's kind of an arbitrary number.

For the sake of continuity and the ease of Massachusetts dilemma, we would have no objection whatsoever to making it consistent with the fifty to correspond with Area 3.

CHAIRMAN LAPOINTE: Thank you, Bill. Bonnie.

MS. BONNIE SPINAZZOLA: Thank you, George. I just want to say that Area 3 has tried to make their plan consistent with Massachusetts needs, so right now it doesn't look like there are actually three different plans out there.

CHAIRMAN LAPOINTE: Great. So we will have some language to that regard in the document. Gordon Colvin.

MR. COLVIN: And the last point I'll make is when we get to the end of this LCMT 2 or Area 2 issue, my expectation would be that if Rhode Island and Massachusetts favor a transferability program, that they will tell us what it is that they need.

CHAIRMAN LAPOINTE: That is correct.

MR. COLVIN: And presumably, Paul, that's when those concerns could be worked out.

CHAIRMAN LAPOINTE: That is correct. Other comments or questions? Bruce Freeman, you had an earlier issue.

MR. FREEMAN: Yes. I thought it was a relatively benign request, but you asked me to put it into a motion, so I have given a motion to staff and essentially it is to, for informational purposes, inform the public as to -- well, let me read it.

CHAIRMAN LAPOINTE: Is there opposition to this motion? Well, first, the motion reads move to add wording to the most restrictive rule portion of Draft Addendum IV for the purpose of explaining to the public the manner in which the states would be expected to enforce the most restrictive rule. Is there a second to the motion? Seconded by Mark Gibson. Is there opposition to the motion? Seeing none, the motion carries.

Dick Allen, comment over all? Be quick.

MR. ALLEN: Yes, this had to do with Area 2's latest submission and something got dropped I think

inadvertently in what was actually presented to the board.

It went into the minutes of the meeting, but there was another vote that was taken for an option that would apply to any transferable trap program or it could apply to any transferable trap program. It's straightforward. I would like the board to consider it.

CHAIRMAN LAPOINTE: I'm going to rule that out of order, Dick. We've had such a problem with what gets presented to us. We specifically asked Rhode Island to present to us an official copy of what is coming from the LCMT, and to get into what people thought was missed or wasn't just doesn't make sense to me at this point. I am going to rule that out of order.

MR. ALLEN: I would just ask the board members to look at the minutes of the meeting and see what was left out.

CHAIRMAN LAPOINTE: Thank you. Bill Adler.

MR. ADLER: Can I make a motion to take this addendum to public hearing? Is that what you're looking for?

CHAIRMAN LAPOINTE: Second?

MR. WHITE: Second.

CHAIRMAN LAPOINTE: Seconded by Pat White. This would be a motion to take Addendum IV as extensively modified today to public hearing. We have a motion and a second. Do we need time to caucus? Is there opposition to the motion? Then Addendum IV will go to public hearing. Before you leave, which states want public hearings? Everybody. Who doesn't want one? Howard, bless you. Maryland is okay. The Addendum IV has been put together outside of our normal work plan, so at most, staff will go to one public hearing per state.

They would love not to have to come to your states if that is possible. I shouldn't even ask the question, but does everybody want the staff at their public hearings, one of their public hearings? Yes is the answer to that.

All right, now don't leave, board members. We need a motion to extend the current emergency in Area 2 emergency action, and we need two-thirds to do that, so we need every person here. Is there a motion to extend the emergency because it is running out? Motion by John Nelson and seconded by Pat White.

Discussion on the motion? Public comment on the motion? It would be extended for?—

MS. SELBERG: It can be up to one year.

CHAIRMAN LAPOINTE: Up to one year. But if Addendum IV goes into place —

MS. SELBERG: It would probably be best if you set a time.

CHAIRMAN LAPOINTE: If we do it for a year with the proviso that it would be superceded by Addendum IV, would it not? Okay, good, so this would extend the emergency for one year or until Addendum IV is implemented.

Public comment on the motion? Does the board need to caucus? Is there opposition to the motion? Actually, we need two-thirds vote. So everybody in favor, raise their hands, please. We've got two-thirds. Thank you very much.

We have two advisory panel members from the state of Maine who we would like to have put on the AP. Bill Adler.

MR. ADLER: I will so move.

MR. PAT WHITE: Second.

CHAIRMAN LAPOINTE: They are David Cousens and Steve Train, just so people know. Is there opposition to the motion? Seeing none, those AP members are put in place. Thank you.

Other business before the board? We have a couple of issues, Item 9 and 10, which we will bump to the next meeting. Harry.

MR. MEARS: Mr. Chairman, I would like to request that the technical committee review the Area 2 August 26th proposal before the next board meeting. Would that be possible?

CHAIRMAN LAPOINTE: Would that be possible?

MS. SELBERG: I also have a question about any other review of this document that the board would like to see. It's typical for us to send draft addendums to law enforcement for some feedback, and the socioeconomic subcommittee has requested that they have an opportunity to review.

I would need feedback from board members if that kind of review is something you would like those committees to be doing this fall.

CHAIRMAN LAPOINTE: I see no opposition, so we'll do that. Seeing no other matters before the board, this board will stand adjourned. Thank you to all of you for your patience and hard work this morning and this afternoon.

(Whereupon, the meeting was adjourned at 12:30 o'clock p.m., August 28, 2003.)

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INDEX OF MOTIONS

Motion to accept the minutes as printed. Motion carried.

Motion to approve the FMP review and then direct staff to begin exploring with the states what has happened to effort in the respective jurisdictions since the inception of Amendment 3; and then, secondly, to explore how we would put a database together to monitor trap tags. Motion passed.

Move that the board use Option 3 to pursue the new lobster stock assessment, but with the inclusion of a turn of the crank so that we can try to tease apart the impacts of the management program from the changes in input parameters?

Friendly Amendment: Move to amend the motion to say the board approve Option 3 for the stock assessment to include a new peer-reviewed stock assessment to be done in 2004, if possible, and including doing the assessment with the old methods and input parameters for comparability. Motion carried.

Move that the LCMT 2 August 2003 trap reduction proposal be substituted for the current Option 2 in Section 5.3.1 and that the current Option 2 be deleted. Motion carried.

Move to delete the quota option from Addendum IV. Motion failed.

Move that Section 5.3.2 not include the allocations based on landings history paragraph. Motion carried.

Motion to remove 5.3.3 from the document. The motion failed.

Motion to take the closed area option out of the addendum. Motion carried.

Motion to delete Options 1, 2, and 4 and add a new option: Increase the minimum gauge in annual increments of 1/32 or 1/16 of an inch in combination with other measures, beginning in 2004. Motion carried.

Motion to delete the moratorium option from Addendum IV. Motion carried.

Motion to remove the non-trap fishermen option from Addendum IV. : Motion to table. Motion to table carried.

Motion to require a state to be required to adopt a single size for that state in its landings. The motion was ruled out of order.

Motion is to add wording to the most restrictive rule portion of Draft Addendum IV for the purpose of explaining to the public the manner in which the states would be expected to enforce the most restrictive rule. Motion carried.

Motion to take Addendum IV to public hearing. Motion carried.

Motion to extend the current emergency action in Area 2. Motion carried.

Move to appoint David Cousens and Steve Train from the state of Maine to the AP. Motion passed

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