

ATLANTIC STATES MARINE FISHERIES COMMISSION

AMERICAN LOBSTER MANAGEMENT BOARD

Quality Hotel and Conference Center     Arlington, Virginia

FEBRUARY 1, 2001

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The American Lobster Management Board of the Atlantic States Marine Fisheries Commission convened in the Presidential Room of the Quality Hotel and Conference Center, Arlington, Virginia, and was called to order at 9:20 o'clock a.m. by Chairman Gordon C. Colvin.

CHAIRMAN GORDON C. COLVIN: Good morning. Welcome to the American Lobster Management Board, and I am going to ask Heather to call the roll.

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

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

CHAIRMAN COLVIN: Thank you, Heather. Staff has distributed a revised agenda. Do all members have a copy of the agenda? Are there any additions or modifications to the agenda? Pat.

MR. PATTEN WHITE: Mr. Chairman, as I discussed with you yesterday, I wondered if it would be possible to have five minutes after we approve the minutes of the meeting, possibly included in the public comment period, to address the board?

CHAIRMAN COLVIN: Yes. Mark.

MR. MARK GIBSON: I had requested an advisory panel appointment that I had sent down to the Commission. Could that be addressed today?

CHAIRMAN COLVIN: Do we have that information, Heather or Tina?

MR. GIBSON: The request that I sent down to put John Sorlien from Rhode Island on the Advisory Panel as Bob Smith's replacement.

MS. STIRRATT: Tina does have the handout relative to the Advisory Panel.

CHAIRMAN COLVIN: We'll take that under Other Business. It's here?

MS. STIRRATT: Yes.

CHAIRMAN COLVIN: Okay. Anything further? Without objection, we'll proceed on this agenda. The next item is approval of the minutes. The November 30 minutes were distributed just now, I think. Folks just received these minutes. Do you want to take them up now or defer action to our next meeting?

MR. BRUCE FREEMAN: Mr. Chairman, I would suggest, since we just got these and they're 50 pages, defer these to the next meeting.

CHAIRMAN COLVIN: Without objection, we'll take these up at our next meeting. Before we go any further, let me just make an announcement. We are scheduled to end at 1:00 o'clock. Several members made it known to me on Monday that their flight arrangements were scheduled around that departure time.

I want to assure the board members that we will end by 1:00 o'clock, and that may require some cutting of microphone cords along the way. If that's the case, that's the case. But we will end by 1:00 o'clock, and we will take a checkout break at an appropriate point later this morning when we're at a point on the agenda where it seems that we can fit that in for about 15 minutes. At this point, let me take up the subject of public comment. Let me recognize Bonnie Spinazzola.

MS. BONNIE SPINAZZOLA: I would just like to mention to the board -- and I just spoke to Carl Wilson. He may have some information that may help us out. But there's a situation where some Alaskan boats are coming over. They're very large boats. They're factory processing boats that are right now coming in to fish for red crab. The council just put into action an emergency action which may possibly stop them from doing this. And if it doesn't stop them in time, then they will go to the Jonah Crab Fishery; or if the emergency action stops them, they plan to go to the Jonah Crab Fishery.

Now the red crab situation is not a problem to lobstermen, but I believe that Jonah Crab will. It is our belief that, first of all, the Jonah Crab, as you know, just use the same habitat as lobster. So therefore we're looking at possibly a resource problem, most definitely a gear conflict problem; and even more importantly, lots of traps, lots of lines in the water, whale problem.

I have spoken to Jack Dunnigan, I have spoken to the council, I have spoken to a number of people on this board, and basically we're all trying to kind of wrack our brains to see what can we do to try and help the situation. I haven't come up with anything.

As I said, Carl, I was just notified this morning, is working on something that may actually be very helpful. But it is a situation that I just wanted to alert the board that something is coming down the line.

I would like to go to the council and put a control date in. But if we do that, that means you have a ticking clock for a fishery management plan. For the plan to take place, you need data. Carl is the only one that I know of that has any data, and that would be for the Gulf of Maine.

You need to continue on with regulations, and I just don't know that that could take place before we have a problem with the whale situation. So I am just making you all aware of that; and if anybody can help, give me a call or start something and let me know whatever the situation may be. Thank you, Gordon.

CHAIRMAN COLVIN: Thank you, Bonnie. Is there any other public comment at this time? Seeing none, let me accommodate the request that Pat made and recognize Pat White.

MR. WHITE: Thank you, Gordon. I will be as brief as possible. I have some concerns. While I am fully supportive of the ASMFC process and the course that we're taking, I think that we've had a little deviation and we need a course correction.

I just offer these remarks as comments at this point in time and ask the board for consideration. I am very concerned about the area of designations that we're now having in not coordinating them with the assessment designations of areas.

Things keep coming up, specifically with the Gulf of Maine, in considering it as an ecosystem and an area. I am not saying that it still can't be divided, but I think that we should have further consideration in that.

We've had to reconsider our area lines in the state of Maine as time went on. I am also very concerned about where we are headed as a body with gauge increases and decreases. Although it's easy to say in a document that we will do this, that or the other thing, when it comes to implementation, whether it's a possession law or a landings law, I think it really, really starts to complicate the issue.

And even if everything goes through an addendum, too, by the year 2004 we will have three different gauge sizes involved in the process at a minimum. And looking through the assessment process that we were educated on yesterday, everything seems to be focused on gauge increases, and there wasn't anything in the data that I could see that did anything comparable to gauge decreases; specific to lobster at this point, but in many other species, too.

One of the things that makes me concerned about that is the recent study that was done in the Pen Bay project, which Carl can give more information on, but if everything is based on egg production and we're not seeing recruitment, we can reduce our traps down to two and we're not going to get the biologic benefit that we need to do to accommodate the problem, and I hope Carl will address that later.

And again, reviewing what our targets -- and I know we talked about this two meetings ago with our F-10 and coming up with a new fishing definition; this is driving us and as we review past -- and I hope Carl, as Chair of the Technical Committee, can explain some of the discussion that they had at that meeting.

This has become a target, and if it is indeed a target that we're working with, is it the right one? And I think we need to look at that. Finally, I hope somehow we can establish some sort of standards for conservation equivalencies in this process.

I think what was done before was done without a great deal of thought. We're considering other issues now; and if we don't have a standard that we set this by, it's going to be out of control. And lastly, it is a lobster issue, primarily.

It's also groundfish with gillnet, but I think we ought to have some sort of state coordination as we go forward in this whale plan. It's going to have a great deal of impact on the lobster industry; and when we get into dynamic closures, or area closures, or seasonal closures, I think it would be well for this board to consider state coordination and how those regs are implemented, or what possible biologic benefit that could also have to the resource. Thank you very much.

CHAIRMAN COLVIN: Thank you, Pat. Does anyone have a question of Pat? Pat.

MR. PAT AUGUSTINE: Thank you, Mr. Chairman. Mr. White, are you basically suggesting that maybe we consider holding off the gauge increase across all areas for maybe the year 2001? That's what it sounded like was coming through.

MR. WHITE: I am concerned. I don't know what the solution is, and that's why I wanted to present it to the board. I don't want to detract from the goals that everybody has set for their areas. A gauge increase in many of the areas is extremely important to meet the goals and objectives of the plan.

For us in the Gulf of Maine, it has very little value in increasing egg production. I don't know what the solution is, but we're running head long into this thing without understanding what the ramifications of some of the rules that we're doing.

And this is what we talked about at the Policy Board meeting this morning. If we have additional funding to do some sort of emergency meeting process to look at this, Pat, to see -- I don't think we've looked at all the fallout from it.

CHAIRMAN COLVIN: Pat.

MR. AUGUSTINE: Thank you, Mr. Chairman. Well, there have been many concerns voiced by our lobstermen in the state of New York in view of the fact we've had this collapse; and then have a double whammy on it to go to a gauge increase while they're trying to come back, it's almost a death blow.

So, maybe we should talk about getting that on the table as a motion before this meeting is over or at least put it out there. Thank you.

CHAIRMAN COLVIN: John Nelson.

MR. JOHN I. NELSON: Thank you, Mr. Chairman. You know, Pat raises a number of good questions. I think some of those have been addressed and have been looked at fairly thoroughly in the past, but we can always revisit if there's new information.

I would just like to make sure that we keep our menu open for all measures to be considered. There are a number of folks in the Gulf of Maine that do support a gauge increase because they do recognize the value associated with egg production. And I think that it would be premature to close that off as one of our management tools.

CHAIRMAN COLVIN: Any other questions or desire to pursue this further? Thank you. I'm not sure, Pat, where we go from here with respect to those ideas. I hope that people will be mindful of them; and maybe as Pat Augustine suggests, they may well manifest themselves in motions that are made later today.

The next agenda item is an update on Status of State Compliance. Let me recognize Mark Gibson.

MR. GIBSON: Regarding this issue at the January meeting of our Marine Fisheries Council, they authorized a public hearing on February 27th for a number of issues in the reinstatement of the 100/500 provision which currently exists as an emergency rule, implemented by our director, will be taken up for public comment.

We have scheduled a regular session of the council for March 6th, at which point they would act on that regulation, and I am confident that they will reinstate the rule on a permanent basis at that time.

The emergency rule currently runs until March 29th, so that will give us time if the council acts that night, we have a 20-day implementation period.

It would give us time to put the rule back in place on a permanent basis before the emergency rule expires. So that has been laid out, our rule-making process is laid out, and I am confident that will take place.

Related to the compliance issue, however, I was asked just before, talking about what the director has asked of this board, my division's position has been for some time that we would follow the amendment process and seek resolution of this issue in Rhode Island through the amendment process, and we have provided the documentation requested of us for Amendment 4. I believe that will be reviewed by the board at a later time.

Director Reitsma has been concerned about this issue for some time because of the predicament he finds himself in while agreeing that the rule was unnecessary, he wanted us to follow the addendum process and the legitimate fishery management process, but found himself in a difficult spot of having to address the concerns that constituents would have a very real complaint.

And he has asked me to request to this board, and you have a letter to that effect, the basis for the noncompliance finding particularly as it relates to how Rhode Island's regulatory deficiency would have threatened the conservation benefits of the Lobster FMP.

So he has requested that I request that of this board. I have done that. And I believe that there is also a request from Representative Naughton to the Secretary of Commerce, or to the Commission Chair, who at the time was David Borden, for the similar documentation as is required under the charter. I am going to ask that Representatives Naughton's proxy speak to that.

MR. GERALD M. CARVALHO: Representative Naughton's request went to the Secretary of Interior, the Secretary of Commerce, and to the Policy Board Chairman. It makes reference to the charter in Section 7, under Compliance A, B, and C, the role of the management board.

Specifically, the charter provides for the management board, in making a recommendation to the Policy Board, that the state of Rhode Island be found out of compliance shall include, and in writing, the rationale for the recommended finding of non-compliance.

Further, the recommendation shall specifically address the required measures and provide a statement of how that failure to implement or enforce the required measures jeopardizes the conservation of the resource.

The document requested is a copy of the statement articulating why Rhode Island's failure to implement and enforce the required measures of the Lobster Management Board jeopardizes the conservation of the resource as submitted by the Lobster Management Board in making their recommendation to the Policy Board as required under the charter.

I might note that I raised that same question in my testimony at the meeting in Florida when the vote was taken; that the statement did not exist then, and we're still waiting for a response to that request for the statement.

CHAIRMAN COLVIN: Thank you. I note that Mr. Gibson's letter is in the handout packet under number two. I don't know if the members of the board have all seen Representative Naughton's letter. Heather.

MS. STIRRATT: That letter was not distributed at this meeting. I would like to apologize for that. Dieter and senior staff was in receipt of that letter earlier last week, and we can certainly get that letter out as soon as possible. I don't know if Dieter has anything to add to that comment.

MR. DIETER BUSCH: Thank you. Mr. Chairman, we have the letter and we're working on a reply to that letter. It should be out soon. It would've been out by now, but with this meeting week, we

didn't get to it.

CHAIRMAN COLVIN: I believe Representative Naughton's letter was addressed to Mr. Dunnigan. Mr. Gibson's letter was addressed the Board Chair. And my expectation is that both letters will receive written responses shortly. I would ask whether any members of the board wish to speak to this issue at this time? Thank you.

Harry, is there anything to be added from the Service's perspective on the issue of the Rhode Island compliance situation? I will also note that the letter to Dick Schaefer from the Director of DEM has been distributed indicating the status of the current rule.

MR. HARRY MEARS: And basically what I will do, Mr. Chairman, is just repeat the information in that update very briefly. On December 18th, the National Marine Fisheries Service completed its independent review and concurred with the Commission's finding that the state of Rhode Island is not in compliance with Amendment 3 to the Commission's American Lobster Plan.

And the next step in this process would be to publish a notice of determination of non-compliance, accompanied by a declaration of a moratorium in the Federal Register. That particular action is undergoing final review and clearance procedures.

And to summarize, the provisions of the Atlantic Coastal Act in this regard, the effective date of the moratorium may be delayed for up to a six-month period from the date of the declaration of the moratorium.

The letter which was written to Governor Almond, as well as Mr. Dunnigan as Executive Director, expressed optimism that the state would take action to permanently implement the non-trap gear possession limit, and to work with the Commission to resolve the associated issues. Thank you.

CHAIRMAN COLVIN: Thank you. Gerry.

MR. CARVALHO: Thank you, Mr. Chairman. I would like to point out that that letter also did not include the justification or the statement as to why it jeopardizes the conservation of the resource.

CHAIRMAN COLVIN: As I indicated earlier, it is my expectation that the correspondence to the Commission will be responded to, and that the staff's draft of those responses will be reviewed by the Board Chair and Vice Chair before they are finalized, and that that will be done in prompt order. Is there anything further on this agenda item? Thank you.

The next item is Board discussion on Addendum II. And for review of public hearing comments, Heather.

MS. STIRRATT: Okay, what I would like to do is just give you a little bit of background on Draft Addendum II. Back in November of 2000, this body approved Draft Addendum II and it can be found under Attachment 3.

For public hearings, a series of public hearings were held at the request of the states of Maine, Massachusetts, Rhode Island and New Jersey in order to obtain public hearing on this document.

The states, as well as staff, have compiled summaries of these hearings. Due to the limited timing of these hearings, it was not possible to distribute copies of these summaries until prior to today, so I apologize for that. But you do have the comment summaries in front of you now.

I will try to take some additional time to go through some of the comments that were made, if necessary. And certainly we do have representatives here that can speak to those hearings in particular in which they were present.

In addition, staff has also compiled a packet of the written comments that have been received through January 31st, 2001, at 6:00 a.m. yesterday.

It's notable that the last public hearing that was held was held in the state of Massachusetts. It was held this past weekend on January 27th. The ISFMP Charter requires that a minimum of 14 days be allowed for public comment following a public hearing.

Therefore, the comment period is still open currently, and any action that may be taken by the board today must occur pending further review by the Board Chair of the written comments that will be received by staff.

So today, the board is tasked with finalizing the elements to be included in the final Addendum II, pending further discussion of the comments received through February 11th of 2001, and establish a compliance schedule for implementation of Addendum II by the states and/or jurisdictions.

So now I am going to start to walk through some of the public comments on Addendum II. I am going to skip directly to Section II in the Addendum, just because there were no comments, obviously, on the introduction.

The second section covers the Egg Rebuilding Schedule. There was general support for the extended and revised Egg Rebuilding Schedule. Where concerns were presented, they were presented relative to the stock assessment areas not being in synchronicity with the management area lines.

Concern was also expressed by those in Area 1 as to how we anticipate we will ever really truly reach the F-10 percent goal with the limited number of options available to them. In terms of the minimum gauge size increase, Areas 3, 4 and 5 generally support the gauge size increase.

Some individuals in Area 3 did indicate a preference for a 1/16 inch increase as opposed to the 1/32 increase. Sport divers in New Jersey also generally supported the gauge size increases, but noted that there was concern that there is currently no maximum size limit established for lobster in the plan.

Areas 2 and 3 generally support the gauge size increase for Option 1. I should note that there is strong opposition from the state of Maine towards any minimum gauge size increase. And there was strong support in the state of Maine for maintaining status quo management in the Maine Area 1.

Concern that different minimum sizes along the coast was raised from the perspective that this may create a black market for American lobster, and it also raises questions about the difficulties of enforcement, and perhaps when we get to that segment, Joe Fessenden can speak to those issues.

Area 1 is concerned that they are taking extra efforts in their area to establish a maximum size for American lobster, and that currently doesn't exist in any of the other management areas. There is support for other areas to consider a maximum size limit in that regard.

And there was one general comment -- and I think this has been eluded to by Pat -- that the ASFMC should really hold off on making any decision about the minimum gauge size increases until we can fully flesh out some of the issues that may be created by adopting this regulation.

Moving on to the minimum escapement size, there weren't many comments on this section. It was clearly understood that anyone who implemented a minimum gauge size increase would indeed need to also increase their minimum escapement size. And in general, Areas 2 and 3 supported the gauge size increase.

So, as you would note, there was general support in these areas also for the minimum escapement size. Relative to the trap reduction schedule for Lobster Management Area 3, there was support for Option 2, and there was also support, not necessarily for this particular trap reduction schedule, but for a coastwide application of a trap numbers cap.

There was some discussion about that at the Massachusetts hearing, and I can elaborate if anybody is in question. In terms of the reporting requirement section, there were really no comments that were offered on this section. General support, I would say.

Review of the area management program, there were no comments on this, although it was agreed to by many individuals that the area LCMTs should get back together and reconsider their programs.

And in terms of recommendations for actions in federal waters, in particular I can speak for one public hearing that I attended and there seems to be a great deal of concern about the inconsistencies between the Commission's Management Plan for lobster and the way that the federal government has been lacking behind the Commission in terms of getting our plans into a synchronicity.

So, that continues to be a concern, and it was brought up at the Massachusetts hearing, and I'm sure, at least from what I saw in the other public summaries, it has been expressed in other hearings as well.

The compliance section; there were no comments on this section. I would simply make note that if in fact the board does approve some of the options in Addendum I, we will need to come up with a compliance schedule. That is one of the tasks that will also be before the board today.

And in general, while I know that Addendum II does not address either conservation equivalency or the consideration of changing area management lines, I would like to note that there was general support, especially from Area 1, for revising the current area management lines.

There was consensus in the Area 1 to have a 42 degree line for management of lobsters in the Gulf of Maine. And on the conservation equivalency note, there seems -- at least from the Massachusetts hearings perspective, there was substantial comment in opposition to the conservation equivalency consideration by the ASMFC.

And those are just general comments. Mr. Chairman, that concludes the review of the public comment.

CHAIRMAN COLVIN: Thank you, Heather. I would like to add briefly to that record. While we were unable to schedule a public hearing in New York, we were able to take advantage of the fact that at last weekend's Commercial Fishing Forum, there was a Lobster Workshop, and we were able to make a presentation on the addendum to the folks that were there and have some discussion.

Let me just briefly summarize the primary issues that were raised. I should emphasize that essentially all of the lobstermen present were Area 6 fishermen. I don't believe we had an Area 4 fisherman in the room.

And obviously the Area 6 fishermen are completely wrapped up in the current ongoing lobster commercial fishery failure and the Secretarial disaster declaration, and that status influenced many of their comments.

First, there was very strong concern that requiring implementation of gauge increase schedules this year in Areas 2, 3, 4, 5 and the Outer Cape will put a practical pressure on Area 6 and implicitly Area 1 to also do so, regardless of the fact that the addendum defers to those LCMTs the decision of future management measures.

They were very concerned about that, and they made it clear that they would prefer to have all the options on the table for discussion, and all the areas to start together as we move to implement them.

A second issue -- and this may be more of an issue really for discussion with the National Marine Fisheries Service and the Area 4 LCMT with respect to the pending federal rule. There are Area 6 fishermen who, because of the disaster, would like to move to Area 4, possibly even Area 3, but have no history in those areas.

They may be able to acquire vessels with licenses, or they may even have federal permits, but no history. And a completely history- based system excludes them. They suggest an accommodation be made specifically related and due to the Federal Disaster Declaration.

Third, there was considerable skepticism expressed about the Egg Production Rebuilding Schedule. Many of the lobstermen have followed the changes in that schedule, and they are skeptical about the precision and the constantly fluctuating numbers, and ask the question how many more times are these numbers going to change between now and 2008?"

Fourth, they pointed out that considerable effort reduction has already occurred involuntarily in Area 6, and they wonder should we not make an effort to quantify the effect of the trap reductions that have occurred, and argued that perhaps nothing beyond what has already occurred is really needed to comply with the Egg Production Rebuilding Schedule.

And they're basically urging the states to come up with a way of quantifying the effect of the trap reductions to date. Those were pretty much the comments we heard. Now, with that, let me ask if there are any questions or discussion on the issues of the public comment that Heather and I have explained to you? Pat.

MR. AUGUSTINE: Thank you, Mr. Chairman. Would you suggest, then, that the comments that you received in your attendance of this Lobster Convention or group, whatever it was, would lead one to believe that we should take a hard look, a real hard look at this gauge increase and other issues that are related to that?

CHAIRMAN COLVIN: Well, Pat, let me say this. I will try to be honest with the members of the board. Things are really tough at Long Island Sound. We had a die-off two years ago, and the real effect of that on the catch, while bad enough in 1999, really hit home in 2000.

And I think Ernie would agree with that. They really got hammered last year. So a lot of the guys are -- you know, lobstermen are lobstermen, and they have a great deal of independent thinking on issues.

But right now, things have gotten so tough that they're even more so, and they are somewhat cynical and in some cases they're getting close to desperate. As you know, many people have left our fishery and had to.

There is a viewpoint among the lobstermen that was expressed that if the addendum is constructed in a way that is intended, frankly -- and this is the cynicism coming out -- that is intended to force gauge increases even in areas that might not have selected them as the preferred management option through the LCMT process, and that point was made.

At the same time, many people recognized that the gauge increase schedule was something that both Area 4 and 6 LCMTs recommended in the original go around. They just want the opportunity to consider it essentially de novo with no baggage.

MR. AUGUSTINE: Thank you, Mr. Chairman. Mr. White, then, did you have the same sense from your group in your talks with the other LCMT leaders? I mean, from what you said early on, it almost sounded like we should be looking at this as a major issue, and possibly a slow down in moving the schedule as planned without considering delaying it maybe until 2002 for the gauge increase portion of it.

And I think if that's the sense that you're putting out, I think that's the sense that we've gotten from New York in particular, that I would hope we would spend a considerable amount of time discussing that until we get it really aired out, so that our recommendation, when it goes to the ISFMP Board, is one that will consider the dire straits and dilemma that we're faced with; Area 6 in particular, without creating anymore undo hardships; and at the same time possibly giving opportunity for further proliferation of the black market. It's that simple.

CHAIRMAN COLVIN: Pat, this is not going to go to the ISFMP Board. This is our board's decision to make and we're expected to make it this morning. Pat White.

MR. WHITE: I guess I will answer; my reaction to that would be twofold. I think we've got to address what Gordon is talking about. I think we've got a unique situation in Long Island Sound. It does change from where we were two years ago.

I don't know what the solution is to it, Pat, and I assume I will put the burden on the Technical Committee to see what needs to be done when you have a disease -- I mean, we've never had anything quite of this magnitude, and what do we need to do to begin our Egg Rebuilding Program in an area that has such a serious problem.

So I think you have to isolate the problems that they're going through. I don't initially intend on the second part of it to suggest that we hold back on implementing gauge increases because some of the areas absolutely need it.

All I am asking is that we look at the ramifications of it, and I don't know if we have the luxury of time to do that in some of these areas. We are, as Area 6 suggests, I think Area 1 is feeling a lot of pressure because the other areas are going up on a gauge increase, but it doesn't necessarily mean because it is a unique animal that it's a solution for us.

I don't know what the solution is to that. I am not trying to slow the process down though, Pat, so I don't know what the answer is.

CHAIRMAN COLVIN: Bill.

MR. WILLIAM A. ADLER: I have had a lot of heartburn over all of this. First of all, I wanted to just bring out these points here. First of all, the LCMT Area Management Program that we've

established actually has been very good for the program because I think it's brought credibility to this Commission in the eyes of the fishermen, and support for whatever the ASMFC seems to go through because at least they feel that they're involved in it.

And the feeling that I have been getting from the fishermen is that they trust the ASMFC more than some other fisheries' agency. So that's a plus for the ASMFC, and it's also a plus for getting whatever the plans that we do, getting them through.

So the LCMT Area Management System is good. By approving the Area 2, 3, 4, whatever those plans that were in the addendum, by approving them we stay true to the promise that we gave them that if they solved their problem, and they did solve it, that we would support more or less what they're coming up with.

So, on one hand we need to watch that carefully, that we stay true to them because they did the work, they met the grade, they did what they were suppose to do, and we can't just throw that out the window.

On the other hand, I wish we could delay the gauge increase, not do away with it, not turn it down. I support what they came up with. But at the same time, we also owe Areas 1 and 6, that I know of, their chance to come up with whatever it is they're coming up with, and I wish I had a better idea at this point where they were going so we could see where we were with, let's say, the gauge increases. The proposal, we don't want Areas 2, 3, 4, 5, whatever had the gauge increases, to pressure Areas 6 and 1 because, once again, that's sort of pushing them into something that we told them they could decide on what they wanted.

So, I want to leave 6 and 1 free to develop, as we promised them, their plan. So the problem with pressure on either side; I don't want Area 1 on the other hand, or Area 6, pressuring the other areas that have already done what they were supposed to do.

Massachusetts, as you know, is in a very awkward position here because we are at the junction of four areas. Three of them have gone for gauge increases; one is still up in the air. Needless to say, the enforcement people might as well just -- you know, they're going to be right up the side of the wall because if we have different gauges in the same state, it's going to create a big problem.

So we've got that additional problem. Also, we would like the consistency in Massachusetts. Another thing is that I would like to see the Advisory Panel meet on this and get a formal position to give to us. The comment period is still open, and as Pat and Gordon have brought up, we have additional problems in Long Island similar to what I brought out of our problems with 2, 3, Outer Cape and Area 1.

And for all of these reasons, I would almost like to see us put aside a decision today on approving the gauge increases that are already in there -- and I do support them -- even if this means that we don't change -- remember, December 31st is when it's suppose to kick in.

And I am not talking about changing that at this point. That can still happen. But should we perhaps take another look at this? Should we perhaps give these other areas a little more chance so we'd have some idea as to where they're going?

And I looked at the April meeting perhaps on this to maybe get a better picture, and that would still be in time to keep on our schedule without -- so I wasn't trying to change the schedule or anything.

But I am just very leery about making a decision today to approve 2, 3, Outer Cape gauge increases, although I support them. And I will stop there.

CHAIRMAN COLVIN: John Nelson.

MR. NELSON: Thank you, Mr. Chairman. I think my feeling is that we have been looking at this for some time. We did set up a process. The LCMTs have met, have come up with plans that they feel is appropriate for their areas.

We're trying to allow to have area management. If we weren't going to have area management, then we shouldn't have divided everything up.

But if we're going to have area management, then I think that when the people in that area say we'd like to move ahead, I don't think we should second guess. I think we should allow that to move ahead.

We have delayed our process here a number of times to make sure that we had a revised stock assessment and so on. I can't envision, in my mind -- and I will speak only for Area 1 -- I can't envision in my mind too many, if any, people up there other than myself being intimidated by what Areas 2, 3 and so on do.

These people are very independent; they know their resource. They're going to have to wrestle with it and come up with their own ideas. If they feel a little peer pressure, then I would just be surprised. I mean, we've had different gauges in that area previously and it didn't seem to influence people very much.

I would say we need to continue to move ahead with this process. It's the resource that we should focusing on. That's what needs to be addressed. Ideas have come forward, they've gone through the public process; we should deal with it.

There's the process in place for the other areas to deal with it. If Area 6 comes up with something that reflects their condition at that time and has a good rationale for it, then we should consider that at that time.

Area 1 is meeting. They are very divided on what they should do, but they need to continue to meet and come up with their solution on how they're going to meet their egg production. Thank you.

CHAIRMAN COLVIN: Ernie Beckwith.

MR. ERNEST BECKWITH, JR.: Yes, I have a couple of general comments, and I have got a question on the process. I don't think it would be appropriate for the board to take any kind of action that would preclude what's in this addendum at this point in time in terms of gauge increases.

That would really undermine the LCMT Process, and we probably couldn't do it anyway because you'd have to go back out through some kind of a process to get public comment, and that could probably be another addendum.

With that said, let me ask a question. Looking at Addendum II, Section 2.5, and it says, "Review of Area Management Program".

It says, "Each LCMT shall review the revised egg rebuilding schedule", and it appears that all the LCMTs would have the opportunity to come back by June 1st with some additional proposals on

how they would meet the egg production schedule.

And those changes, I think, would be put in place by Addendum III? Am I correct there? The question I have is if we file that process, could Addendum III, assuming the LCMT is going to go back over and look over what they recommended previously, look at what the current egg production schedule is in this addendum and perhaps modify what's in Addendum II in regards to gauge increases; is that a possibility?

As you're thinking, what that means is Addendum III could override, not override but replace schedules that we have in Addendum II.

CHAIRMAN COLVIN: I think the answer is, yes, it's possible. Would anyone disagree? I would like to raise a question at this point as well, just kind of retracing steps.

We show in the draft addendum specific gauge increase schedules for Areas 2, 3, 4, 5 and Outer Cape. Area 1 was excluded because it has yet to be put in the position of having to come up with a specific plan to meet the egg production rebuilding schedule, and that requirement would be imposed by this addendum.

Area 6 was excluded because it was requested by New York and Connecticut that it be excluded because we were aware that the LCMT wanted to revisit their recommendations. I do recall that some of the LCMTs -- and I know that that includes Areas 2 and 3, and possibly Outer Cape -- very specifically requested the inclusion of gauge increases beginning in 2001. Some of the others did not.

Area 4 did not specifically request inclusion of such an increase. And I don't know what the situation is in Area 5, and as I said, I am a little uncertain about the Outer Cape. But I can tell you that the Area 4 LCMT is in a kind of a mess right now, at least on the New York side.

And certainly, the members have not specifically asked to start a gauge increase this year. They might not object to it, but I think they need to meet. The basic problem that we have is of our four members, two have died and one has resigned.

So we have to reconstruct that LCMT, and I hate to have the reconstructed LCMT presented with a fait accompli gauge increase, mandatory gauge increase.

I haven't even had a chance to talk to Bruce about this, but I wouldn't be surprised if he agreed. Now, where are we on this issue of exactly what have the LCMTs themselves asked us to do specifically on gauge increases? Are we really talking about just Areas 2 and 3, or is it more than that? Can anybody remember? Heather.

MS. STIRRATT: There was some discussion about this at our last board meeting; and if I am recalling the discussion correctly, the reason why we broke it out into Options 1 and Option 2, as it is presented in the addendum, was because at that time it was clear that Areas 2 and 3 were willing and ready to move forward with their proposals.

The other three areas which are presented in the addendum, they didn't oppose it, but they certainly didn't stand up at the meeting and say "we're moving forward". So we included it in the addendum to allow the public to comment on this, and I would note we didn't get a whole lot of opposition for those areas when we took it to public hearing.

So, notably one could interpret from that public comment that they are in support of it. That is a board decision.

CHAIRMAN COLVIN: Bruce.

MR. FREEMAN: This entire issue is complicated, the gauge increase, because of the actions taken by the federal agency, especially as it deals with limitations on gear.

And I am not sure about other areas, but I can tell you there's tremendous confusion amongst the fishermen as who is in charge, the states or the federal agency? And it's an ongoing problem and it seems to be getting worse.

For Areas 4 and 5, which we're involved in, and in Area 3, the fishermen were opposed to gear restrictions, or effort restrictions and indicated for the need to go to size increase if that's the way to get the egg production. That would be the most desirable way to do it. And the egg production is driving this to date.

And so we got tacit agreement that this would be the way to do it, and the issue is, well, how would you like to do it since gauge increase or minimum size would be the way to go? And there seems to be the general agreement that they'll go up with gauge.

The difficulty I think is we still have the effort restrictions in place in our area. Our LCMTs have indicated they don't agree with that. It should be based on historical use of gear, and the federal agency is in the process of making adjustments.

Hopefully, that will take in the recommendation of these people. But at the present time, we both have effort restrictions, and now we're talking about gauge increases. And I can tell you the fishermen need to know what we're going to do.

Which are we going to do in Area 4, 5, and 3? And it's creating a tremendous problem. And I think that's why we're not getting some clear answers from the industry, at least in our area.

Let me just go on to say one of the conditions, nevertheless, relative to gauge increase, especially in Area 4 and 5, is that since these areas involve New Jersey, if a gauge increase goes forward, that it be a possession; not just enforced on the waterfront, but anywhere in the state.

You come in to a restaurant anywhere in the state, or you buy lobsters anywhere in the state; the minimum size that we have in Area 4 and 5 and 3 will apply in New Jersey. So product coming in from Canada or anywhere else that doesn't meet that minimum size should not be sold in the state.

And we have done this in other fisheries where we have minimum sizes. Where other states have different minimum sizes, smaller, we do not allow that product to come in the state unless it's being transited through the state under interstate commerce.

So this is one point the fishermen made very clear. Possession, size go in the state. So for those who don't have a size increase, we would not provide a market for that product. I just want to be very clear on the record.

There are several other aspects that I would like to just raise that came up at the meetings, and I just want everyone to be aware of them.

The issue of the Area 6 problem with the mortality in Long Island Sound, we have a handful of people that have moved into Area 4 that historically, some of these people for 27 years fished Long Island Sound, with a permit from the state of either New York or Connecticut; but would not qualify because they only started fishing in the year 2000.

Now certainly, in our situation, we don't want to put those people out of the fishery. But under the regulations we were proposing, they would be eliminated, and I don't think anybody wants to eliminate those people.

We have taken it upon ourselves to put in a regulation to at least get comment, and it will occur in the next few weeks, to allow our time period to extend through 2000 to include these people.

To our knowledge, there's only two, or three, or four people. But we've actually worked outside this cooperative agreement through the LCMTs only because if we don't we could see these people going out of business. And I just want you to be aware of that.

And just two other points. One, that relative to what we've heard at the federal public hearing, which was held just about a month ago on the draft supplemental EIS, that there is a severe problem on the boundary line between Area 3 and 5.

And this particularly concerns fishermen in Southern New Jersey and Maryland, and I think in Virginia as well, where their historical fishing is right on that line. So, these people are going to be greatly impacted as to where they fish.

And we believe there needs to be either a combined area such as we have between two and three, or some adjustment in the boundary line. Otherwise, these people may be out of business very quickly. And then the last item is there was mention -- and it's considerable time at our meeting -- particularly by one fisherman who has fished for almost 30 years and noticed in the last two years an increase in incidence of shell disease in lobster, perhaps totally not more than 10 percent, but the question is why are we seeing this?

Is this related to what's going on in New York and other areas, and relates to the comments that Ernie had made during the Policy Board that we're not certain, we can't answer the question.

But the fishermen are recognizing things going on that perhaps we should look at at some time, perhaps beyond the realm of this addendum, but perhaps something we need to give some thought as to look at this on a coastwide basis.

What does this all mean, and is it related or isn't it and is there a known cause? And that concludes my remarks.

CHAIRMAN COLVIN: Bruce, with respect to the last thing you mentioned, you know, an issue that comes up from time to time when we talk to our Technical Committee members, and probably should come up more, is the lobster database.

What we need to establish is a continuing base of information that we are all required to collect to monitor the status of the lobster resource.

And it may well be that those recommendations on the data to be included in that database should include some kind of routine screening for shell disease syndrome. There was a workshop held sometime last year to try to standardize approaches for monitoring lobsters.

I hope that Technical Committee will continue to follow that work and follow up on it because it really is something that we all probably need to be routinely examining, monitoring and reporting to each other.

MR. FREEMAN: If I may mention, Mr. Chairman, we have a very active dive community in New Jersey, but also in New York. And at least those people are very interested in doing anything, collecting any type of information to help answer these questions, as is the lobster fishermen.

And they were very much interested in knowing about the website that you have set up in Long Island relative to some of the disease issues. But, perhaps we need to talk about that at a different time, but I think that could be something that we could put together and it would be a cooperative basis. We could get sufficient information to start answering some of these questions.

CHAIRMAN COLVIN: Thank you. Ernie Beckwith.

MR. BECKWITH: Yes, just a few comments and another question. Perhaps I will start with the question. Well, I will make a comment first. This plan gives the opportunity for states and jurisdictions to implement gauge increases prior to December 31st. They have to do it by December 31st according to the plan here.

I guess my question is, is any jurisdiction, including the federal government or state, planning to implement gauge increases prior to that date? And, Rhode Island, you've already done it. But I guess I would ask that of Harry, would anything change in federal waters before December 31st?

MR. MEARS: With respect to a gauge increase, the extent we have carried that issue so far under the Atlantic Coastal Act is a request for preliminary comments on public reception to a gauge increase. So the answer to you at the current time is, no, there is nothing planned prior to December 31st.

CHAIRMAN COLVIN: Follow up?

MR. BECKWITH: Yes. What I'm trying to do is sort out in my mind what do we need to do in Addendum II, what can we cover in Addendum III? And perhaps Option 1 is something that should or should not be in Addendum II; perhaps it can be covered -- both Options 1 and 2 could be covered in Addendum III.

Obviously, most of this whole thing, most of the management plans are going to be reviewed by all the LCMTs, and we're going to come back with a management plan for each area and how we're going to meet F-10.

And that's going to be put in place by Addendum III, which has to be in place by December 31st, so obviously we've got some overlap here between two addendum processes.

CHAIRMAN COLVIN: Pat.

MR. WHITE: Two things, if I might. First of all, might I suggest that we charge the Technical Committee to review the goals of Long Island Sound and be able to put some of that to rest right now, because I don't think we as a board know what's necessary to be done there.

I would like to have some advice from the Technical Committee as to what we need to do know to

rebuild egg production in a disaster.

So that being said, as far as the gauge increases, I would like to ask Paul the reality of where we're going with this, regardless of whether it is possession or landings or whatever. What's the reality of the gauge increase in Massachusetts alone, from whatever area, if we just did Option 1 with two areas?

MR. PAUL DIODATI: I think the reality of it is, Pat, that we're prepared to move forward with these increases, but I am very concerned about the issues raised by Bruce.

This is going to impact the flow of markets. It's going to have some impact on pricing because of that. And we're going to have some critical issues to deal with in terms of enforcement even within our own state once we get into the situation of various sizes.

And that's a possibility. If we implement size changes for certain areas within our state, not all of them, it's certainly going to present some problems.

Other than that, we've been on board with this program. These area teams were established some time ago. There's a lot of buy in from the industry for them, although I heard mixed feelings at Saturday's public hearing about the area team approach.

But generally I got the sense that the industry liked the idea of being in the driver's seat for the areas that they fish in, and I thought that was an important point. So I don't know if I have answered your question, but I can't say too much more than that right now.

CHAIRMAN COLVIN: Harry.

MR. MEARS: I believe we're at a very critical juncture with respect to comments that were made previously concerning the whole future viability and credibility of the area management approach under this plan.

There will never be a perfect time where all factors are in harmony with each other. I mean, as much as two or three individuals will never agree the same. You're never going to have two areas that will agree in terms of what fits their area best from a biological socio-economic perspective.

We knew this going into the plan in 1997, and I think we also knew there would never be unanimous agreement. My concern at this point is that to kind of change now, to change the whole story and the basis of how we've invested scarce dollars, scarce commission resources in going forward with an addendum, and now changing the whole rationale that we laid out in terms of an Addendum II and Addendum III process not only sets us backward within our own resolve to come up with eventually a meaningful plan as we envision to harvest this resource, but my fear is that this will certainly be the point that will alienate all of the area teams that have seriously tried to understand the process, to contribute their time and their resources to come up with the best plan as they see fitting into this framework approach for lobster management.

And to somehow think things will be different three months from now, I am certain that will not be the case. My recommendation in this regard is not to second think why we went forward with Addendum II, but we owe it not only to the resource but to the area management teams to stick to the schedule that we've set before them and to retain them as credible partners in this process.

CHAIRMAN COLVIN: Harry, thank you for that comment. I appreciate it. I am wondering, though, whether you'd like to amplify on the response you gave to Ernie previously about the intentions of the National Marine Fisheries Service, because from the Chair's perspective, I am not

sure that that response was consistent with what you just said.

MR. MEARS: Well, I think this is part of previous discussions, as well, as far as starting to think outside of the box. We have a process right now where we do not have formal recommendations for federal action until such time an addendum or an amendment is approved.

Following that point in time, a compliance schedule is set for the individual states, which could be as soon as a month later, in some cases two years later.

But the fact is that we have not been at a point where we've been able to closely meld what we need to do from a rule-making process with how these recommended measures are developed and subjected to public comment period during an ASMFC amendment and addendum process.

And I think we're all aware of how this results in the disconnect. We often talk about how federal regs lag behind the commission process. Well, that's because that's the way it's developed by design.

The recommendations are not made until after the decision-making process has ended in the commission arena. My comments in this regard I think are largely based upon hearing the same type of perspectives, the same type of arguments on the timing and magnitude and nature and synergy of lobster management measures within an area between areas every since 1997.

But to get the process going as we continue to refine how we can more closely meld the commission approval process, which is also connected with the regulatory process on a state-by-state level, we need to also then discuss the logistics of the federal regulations.

But it's clear to me that to make any of this work, the recommendations of the area management teams needs to remain our focus. So there's no simple answer to I think the question you're posing, Mr. Chairman, other than we have a job ahead of us to try to make the process better and to keep the area management teams as our true partners.

CHAIRMAN COLVIN: Let me suggest a simple answer. I would find a simple answer from the National Marine Fisheries Service to be this: should this board adopt an addendum today that includes Option 1 and/or Option 2, that the National Marine Fisheries Service will begin immediately to do whatever it can do to adopt a federal rule that implements gauge increases consistent with the action that we just took. And I am seeing other heads nod. That would be helpful if we could get that kind of a straight answer.

MR. MEARS: I think that's a fair request.

CHAIRMAN COLVIN: Okay, who wants to go first. David.

MR. DAVID SPENCER: I would strongly urge the approval of Addendum II, even if it's only Option 1. I think there are several reasons. Areas 2 and 3 have a fairly long history recently of asking that these gauge increases be put on the fast track. We've made the request I think at several board meetings.

And also, both LCMTs have met recently and reaffirmed their belief in this gauge increase formula. I personally think that hearing from Heather some of the comments fishermen had in the public hearings that there were inconsistencies with ASMFC plans being implemented by NMFS, I think the first step is for ASMFC to approve those plans, and that's what I would like to see happen with this.

I also think it does strike to the heart of the LCMT process and area management. Areas 2 and 3

have continually reaffirmed their desire to have these gauge increases implemented.

And if I could address one other thing that Bruce Freeman brought up about the problem between Area 3 and 5. The first time that we were aware of that problem was at the New Jersey public hearing, and the Area 3 LCMT has agreed to sit down and try to reach a workable agreement, and I believe we're just waiting for Area 5 LCMT to be made up. Thank you.

CHAIRMAN COLVIN: Thank you, David. Pat White.

MR. WHITE: I guess I would just like to clarify a couple of points here, and I will address what Harry spoke of first. I would like to -- I will speak for myself. I am not in any way, shape or manner trying to undermine the AMT process.

I have worked with this process since 1991; I am a devote believer in it. What we did through the LCMT process, or the original AMT process is to figure out what we need to do. What I am concerned about now is how.

I also agree with David Spencer. I think the LCMT Areas 2 and 3 have spent an inordinant amount of time coming up and to compliment what they've done to arrive at a reasonable conclusion to what they need to do. Again, my question is how? I am not trying to delay the process.

Just in the interim, if we can have some way of looking at these ramifications; I am not trying to slow the process down in any way, shape, or manner, especially for those two areas.

CHAIRMAN COLVIN: Thank you, Pat. Mark Gibson.

MR. GIBSON: I think that Addendum II should contain all the areas' Options 1 and 2 that are currently listed. I think Addendum III should be reserved for Areas 1 and 6. And since Area 6, according to the draft Addendum II, would follow the south of Cape Cod/Long Island Sound rebuilding schedule, I support the idea that we refer that issue to the Technical Committee for some thinking, and perhaps be able to provide Area 6 and this board some advice on whether that rebuilding schedule is relevant for Area 6 in the context of what's happened, which has happened basically after the inputs went into the stock assessment.

CHAIRMAN COLVIN: Thank you. Mark, just one observation for what it's worth for everybody. Not all of Area 6 has been affected to a great degree by the die-off. There are substantial areas of Area 6 that were not, so it's kind of a complicated picture. I have Bill Adler, and then Ritchie White.

MR. ADLER: I wanted to ask Harry how much time does the federal government need to implement the gauge increases in the federal plan? Can you do it by December 31st, 2001? If so, when do you have to know?

MR. MEARS: I think I can best respond to your question, Bill, from a qualitative perspective; what would minimize the time it would take for the federal government to implement a gauge increase. And I was withholding some comments in this regard in the event the addendum were approved, which I hope it is later on during this meeting.

One of the very first things that would help the federal rule- making process and that would strengthen the state, federal commission partnership in lobster management; and that would strengthen our communications with the industry, as well as give future guidance to such teams as Area 1 and Area 6 on impacts of gauge increases, would be a resolve to work together to do a socio-

economic analysis to the best we can on the associated impacts of gauge increases in these management areas.

And in this regard, the more help, the more assistance, the more contributions we can receive from the commission in all likelihood through the Technical Committee and through a focus on the socio-economic evaluation of gauge increases, the better it would expedite our ability to package what we need to package in federal rulemaking.

MR. ADLER: If I may, Mr. Chairman. Is that a yes or a no for January 1st, 2002, when either somebody goes up, some people don't and we have chaos or we don't?

MR. MEARS: I cannot give you a yes or no. What I can do is indicate that we obviously treat lobster rulemaking as one of the more important priorities for Northeastern resources, and it depends upon our ability to package.

We fairly packaged the biological information in the last year to begin to be able to put that into a rule-making section that we are required to do by law in the development of an environmental impact statement.

What I see as perhaps the ingredient that could take the most time is in fact the socio-economic analysis. I cannot give you an answer if this can all be done to result in the implementation of a gauge size by January 1. That depends on a lot of factors.

CHAIRMAN COLVIN: Bonnie, did you have a comment?

MS. SPINAZZOLA: It's no fun going last because everybody steals your thunder, so I could say I agree with you, you, you. But briefly, I would like to recommend passage of Addendum II.

One of the things that I think Bill is trying to get from Harry, that Harry understandably can't answer because he's not the last word in NMFS, but I think what Bill is trying to say is if we give you something today, can you move ahead more quickly than if we give you something in April?

And I think the answer to that is yes. And we've been working with Harry and NMFS for a long time, and we've said, in fact with this addendum and with the DSEIS, we pretty much begged to have that put in there.

And the argument was we don't know what the commission is going to do. And we said the commission approved putting the gauge increases in Addendum II. And Harry's answer was that doesn't guarantee anything.

Well, up until today, I thought it pretty much did guarantee it because it's something the LCMT has approved of; it's something that this board approves of as far as area management.

We know that the Technical Committee approved gauge increases along with the other items in these management plans because we're supposed to be protecting the resource. And I think the only right thing to do is to move forward for those areas that requested moving forward to protect their resources.

Understandably, there are areas that don't want to move forward.

I don't think they should feel peer pressure. If Area 3 were the only one who went up on their gauge, we wouldn't feel peer pressure. We would do what we felt was the right thing to do, and I think the

board should move in that direction as well. Thank you.

CHAIRMAN COLVIN: Thank you. One more thought, Bonnie?

MS. SPINAZZOLA: One more thought, thank you. I realize this is off the subject, but it's still part of Addendum II. As far as the accelerated trap reduction schedule, should the board vote to move forward with Addendum II, I would appreciate it if you would recommend to the National Marine Fisheries Service that they include the accelerated trap schedule in their current rule-making period so that they don't give out more traps to Area 3 people, and then pull back afterwards. Thank you.

CHAIRMAN COLVIN: Thank you. Let me say in response to that issue generally, Bonnie, I think that should we later this morning approve an addendum, adopt an addendum that includes measures applicable to the EEZ, it will be my intention, subject to any discussion or objection any board member wants to raise, that we communicate directly to the National Marine Fisheries Service what we have done, and include in that communication a request that they initiate actions consistent with the addendum.

I think that's everybody's expectation, but we will tie that all up together. Let me just point at this point a couple of things. Number one, our discussion is starting to get, I think, a little bit repetitive, and we seem to be homing in on more or less the end of this.

What I suggest that we do -- I have one more person to recognize on my sheet and I will do that in a minute. At that point, unless there is an urgent need on somebody's part to contribute something further, I propose that we take a checkout break and that we return and take up a motion that addresses moving forward with an addendum.

And hopefully folks will be able to sort that out in their minds during the break. I would also like to point out a couple of things that I have found helpful in this discussion to me with some of the issues that were raised in Long Island Sound.

I found Ernie's comment very helpful when he pointed out that later this year we expect to adopt another addendum that may well supersede, if necessary, anything that might be in this one based on LCMT input. I found that extraordinarily helpful.

I also found it helpful to hear the comments of many board members to the effect that neither Area 1 nor Area 6 need feel pressured into a gauge increase, and that there is no expectation on the part of the board members who spoke up that actions in one area need to be contemplated in the context of another.

Again, I found that helpful. With those observations, let me recognize Ernie; and then without objection, we'll take a break.

MR. BECKWITH: Thank you, Gordon. Mark had made a comment about Addendum III, that it should just be reserved for Areas 1 and 6 to put their plans in place. And that sort of raised an issue in my mind that I think that needs to be clarified.

All of the LCMT plans that were submitted are over two years old, and what we have here is a revised egg production schedule, and we've got a schedule for gauge increases and a schedule for trap reductions in Area 3.

What I don't know -- and I think what this addendum says is that each LCMT has to go back and

revisit the plan and see if it would meet F-10.

If that's correctly interpreted, that means the Technical Committee would have to be called back in again to look at the LCMT proposals.

And so what it tells me -- I am just putting this issue on the table so people can respond to them -- that each LCMT is going to have to go back through its process and probably resubmit something to the board that shows how they're going to meet F-10, and that's what Addendum III is going to be. At least that's the way I see it.

CHAIRMAN COLVIN: I think you're right, Ernie. Is there objection to a break at this point? Let us take a 15-minute break. I intend to resume at 11:00 o'clock sharp, at which point we will have two hours to conclude our business.

(Whereupon, a short recess was taken.)

CHAIRMAN COLVIN: Let's get started, folks. What I would like to do now is proceed through the document major section by major section and ascertain whether there are motions to indicate changes, and in a couple of cases motions to select from among the presented options.

When we've concluded that, then I will look for a single motion to adopt the addendum consistent with the previously passed motion. I would like to begin with Section 2.1, Egg Production Rebuilding Schedule. Are there any motions that suggest changes to the schedule as specified in Table 1? Bruce.

MR. FREEMAN: Gordon, do you want motions only if they deviate?

CHAIRMAN COLVIN: Correct. We don't need a motion to accept it because it will be accepted in the final motion; only if we change it. Thank you, Bruce.

Seeing none, let's proceed to Section 2.2.1, Minimum Gauge Size in Lobster Management Areas. There are two options presented. They are not mutually exclusive. Is there a motion to adopt one or both or none of these options? Ritchie White.

MR. G. RITCHIE WHITE: Thank you, Mr. Chair. I would move to adopt both Option 1 and Option 2.

MR. FREEMAN: Second.

CHAIRMAN COLVIN: Second by Bruce Freeman. Is there discussion on the motion? Bill Adler.

MR. ADLER: My one-third vote will be against this, but it's not because I am against this. I am against it at this time because I just wanted a delay here, so it's not because I am against any of this. It's just because of, too fast.

CHAIRMAN COLVIN: Thank you, Bill. Any further discussion on the motion? Ritchie and Bruce, is the motion on the screen acceptable?

MR. R. WHITE: Yes.

CHAIRMAN COLVIN: Pete Jensen. I am sorry, Bruce.

MR. FREEMAN: There may be one clarification needed relative to when this becomes effective. Realizing the last sentence in both options deal with that the year 2001 runs the entire calendar year, January 1 to December 1, the only issue is if this motion passes, when the implementation takes place.

CHAIRMAN COLVIN: Heather, I had assumed that on these schedules that when it specifies a year, it means the ultimate deadline for compliance is December 31st of that year?

MS. STIRRATT: That's correct.

That's our standard convention. Thank you. Pete Jensen.

MR. W. PETE JENSEN: Bruce asked my question, but I wanted to add something else, and this goes back to the discussion of when the federal rules would become effective.

We don't have any problem putting them in effect, but I think we're probably going to consider an effective date that says they will not become effective until the federal rule in 5 and 3 are effective.

CHAIRMAN COLVIN: That will present interesting challenges for the board down the road. Thank you. Harry.

MR. MEARS: Just a comment based upon some of the experience we face today on other type regulations and their implementation dates. I think everyone should acknowledge that federal regulations do contain a provision that the stricter of state or federal requirements pertain to any individual permit holder, number one.

And number two, we heard the law enforcement presentation during the Policy Board. A very key ingredient of what's going on in that arena is an increased attention on the MOUs between the National Marine Fisheries Service and the Coast Guard and the individual states.

And to the best of my knowledge, the last I heard was that on a MOU-by-MOU basis, the Atlantic Coastal Act in fact was being included as one of the legislative provisions of such agreement.

So my point here is that I recognize the sensitivity of federal action, but at the same time I would also like to acknowledge that there is a provision that the stricter of the state or federal requirements do apply.

CHAIRMAN COLVIN: Harry, can I follow up with you on that, just a question that occurred to me. In this issue of the stricter of the two requirements, I clearly understand how that would apply in Area 2 or 4 where we have both federal and state waters.

But what about in Area 3 where there are no state waters involved? Would a permit holder who declared for Area 3 be subject to the stricter of when there are no state waters in the area?

MR. MEARS: I think there's two factors there, whether or not they only select Area 3 or whether they select another area in addition to that; and secondly, whether or not the state regs are possession or landing prohibitions.

But the point is well made that Area 3 is more germane to be directly dependent and sensitive to the timing of federal action.

CHAIRMAN COLVIN: This may not be a question that can be answered with finality today, but I hope that's something that can be looked at more closely. John Nelson.

MR. NELSON: Thank you, Mr. Chairman, just briefly. I support the motion. I think that by going forward we are acknowledging the LCMT process. We have talked a long time about what some of these ramifications were, and I think we had the consensus that we wanted to move ahead with the addendum anyway.

I think, as you pointed out earlier, for those that are concerned about this, that there is still the opportunity under Addendum III to revisit if you have new information that warrants revisiting. I haven't heard anything new today that we haven't already heard for probably a year or so.

But that door is certainly open, and I think that's the fair way of going about it. It tells the industry that we are listening to them and we are serious to try to address this resource before it really has a major problem. So I would urge support of this.

CHAIRMAN COLVIN: Thank you. Is there further discussion on the motion? Seeing none, we'll take the question. Do you need to caucus? Are you ready for the question? Will all in favor please signify by raising your right hand; opposed, same sign; abstentions; null votes. One null vote. The motion carries.

Proceeding to 2.2.2, Minimum Escape Vent Size, are there any suggestions for revisions to that section? Seeing none, we'll move along, 2.2.3, Trap Reduction Schedule for Lobster Management Area 3. There are two options, no action, and Option 2 is a revised trap reduction schedule. Is there a motion to select an option?

MR. GIBSON: Motion to select Option 2.

CHAIRMAN COLVIN: By Mark Gibson. Is there a second?

MR. FREEMAN: Second.

CHAIRMAN COLVIN: Bruce Freeman. Discussion on the motion?

MR. GIBSON: I move to select Option 2.

CHAIRMAN COLVIN: And that was for 2.2.3, Tina. Is there discussion on the motion? Harry.

MR. MEARS: Mr. Chairman, as a participant in board discussions on the area management measures, I personally support this motion. But for understandable reasons, because we're involved in current federal rulemaking, I will be abstaining from this vote.

CHAIRMAN COLVIN: Thank you. Further discussion on the motion? Let's take the question. Will all in favor, please signify by raising your right hand; opposed, same sign; abstentions; null votes. The motion carries.

Section 2.2.4 relates to Reporting Requirements for Area 3.

Are there any suggested changes? For Section 2.2.5, Review of the Area Management Program, are there suggested changes? Seeing none, we'll move along. Section 3 relates to recommendations for actions in federal waters. Are there any motions or suggested changes?

And Section 5 deals with compliance. I think we can take this as a whole. There are three subsections. Are there any motions to suggest revisions to Section 4? Heather.

MS. STIRRATT: Mr. Chairman, I would simply note that we do need to develop a compliance schedule for Section 4.3.

CHAIRMAN COLVIN: And it would be the intention of the Chair to instruct the staff to develop a compliance schedule that is consistent with the motions just made, should the motion pass to adopt the addendum as a whole.

Without objection, that will be our course of action. Is there a motion to adopt the addendum? Ernie Beckwith.

MR. BECKWITH: I move to adopt Addendum 2 with the changes as noted.

MR. NELSON: Second.

CHAIRMAN COLVIN: Second, John Nelson. Discussion? Bruce Freeman.

MR. FREEMAN: Thank you, Mr. Chairman. I support this motion. There is one perhaps difficulty. As I indicated, recently it was brought to our attention of a problem on the boundary between Area 3 and 5.

My expectation is we will conduct an LCMT 5 meeting with some of the Area 3 representatives to I think very quickly clarify this issue, but it probably will require some boundary adjustments. I just want to make certain by voting for this motion it doesn't preclude us from those boundary adjustments in the future.

CHAIRMAN COLVIN: I think if we need to take that subject up, that the adoption of this addendum certainly would not in of itself prevent that.

MR. FREEMAN: Right, okay.

CHAIRMAN COLVIN: Pete, was it your hand I saw.

MR. JENSEN: The same thing.

CHAIRMAN COLVIN: Is there any further discussion on the motion? Harry.

MR. MEARS: Mr. Chairman, I will be voting in favor of this motion, with the understanding that that portion that pertains to recommendations for actions in federal waters, that portion essentially I would be neutral or abstaining from that particular provision.

CHAIRMAN COLVIN: We appreciate this creative use of the federal representative's vote.

MR. MEARS: I am just trying to prevent two votes.

CHAIRMAN COLVIN: Is there further discussion on the motion? Is there need to caucus? Let's take the question. Will all in favor please signify by raising your right hand; opposed, same sign; abstentions; null votes. The motion carries with one null vote.

Is there anything further with respect to Addendum 2? I appreciate the boards assistance on this. The next agenda item is the Technical Committee Report. Carl.

MR. CARL WILSON: Thank you, Mr. Chairman. We had a meeting on January 4th and 5th of this year, basically to start the discussion on reference points and alternatives to our current one or additional reference points to our current.

Basically I want to thank the Fisheries Service for the participation of Larry Jacobson. He really led our discussion for two days and just did an excellent job with kind of starting the process with the Technical Committee. And he did a really good job, so I would like to thank the Service for that.

Mike Fogarty was there as well and provided really valuable discussion material as well. So the consensus of the committee was that it was a good, initial discussion on reference points. We do have a draft of kind of a hard document or a hard table of different reference points and their implications, and we'll be firming that up and providing that to the board hopefully for the April meeting as a hard product of our discussion on reference points.

We also had an excellent presentation given to us by Dick Allen, talking about pursuing economic goals more than just biological goals; and that if we pursue economic goals, that the biological goals will be met as well.

We had another brief but lively discussion on the Outer Cape lobster management area conservation proposals, as well as the non-trap conservation proposal, and nothing has come definite out of the committee from that as of yet.

Really it's a very short report this time in that we're developing we're going to be meeting next week to further the discussions on the reference points and continue to work on the table of possible reference points that the board could choose to pursue if they decided to.

That's pretty much it of the Technical Committee activity. I don't know, Heather, if you've got anything that you'd like to add.

MS. STIRRATT: I would like to note to the management board that between Carl, myself and Gordon Colvin, we were able to, in a very brief conference call, finalize the number of subcommittees to the Technical Committee.

And unfortunately I do not have that list in front of me, so I can't give you those names. I will try to get a memo out to those of you just to let you know, once I receive confirmation from those who have been nominated that they will serve on these subcommittees.

But to let you know the subcommittees that were formed -- and, Carl, I may need your help on this -- Socio-economic Subcommittee; there was a Data Base Subcommittee; a Modeling Subcommittee; and an Effort Analysis, Effort Reduction type Subcommittee.

All of those committees will be getting started on a more committee-based approach to dealing with some of the issues that are discussed around this table. Certainly today I have already heard a number of recommendations that can be brought back at least to the Socio-Economic Committee, as well as the Technical Committee.

And certainly ongoing discussions relative to reference points will involve the Modeling Committee and the other subcommittees that we have formed. So if you have any questions about that, please

feel free to talk to either Carl or myself, or Gordon, for that matter, about the subcommittee make-ups. Yes, there was a Database Subcommittee as well, I believe I mentioned.

MR. WILSON: In regards to the Socio-Economic Committee, I believe back in August was when we were charged to get this thing going, and it has taken a long time, but we do now have the formal subcommittee.

In August the charge to the Socio-Economic Subcommittee was to really investigate management measures and their socio-economic implications, kind of a parallel document, which would basically be a literature review of the document that the Technical Committee provided to the board in August.

And I heard from the Service today some socio-economic questions as far as gauge increases, or conservation equivalencies. And just looking for direction from the board concerning the Socio-Economic Committee, if there's a specific item that you would like them to tackle first and foremost; if not, we'll continue on the line of going after kind of doing a list of management options and what they're implications might be.

I just throw that out to the board. We also heard some comments this morning -- this is aside from the Technical Committee -- Bonnie presented or brought forth some information with the Jonah Crab Fishery, and Pat White mentioned some work that some researchers in the Penobscot Bay have released recently and has caused a bit of stir in Maine.

And if the board would like me to discuss those, I could in that I was involved with the Jonah Crab work that was done in Maine this spring, and also some of the work in Penobscot Bay.

CHAIRMAN COLVIN: Thank you, Carl. Carl, I think what I would like to do on that issue is to hold on it and see if we have time when we get to other business. If not, we can always take it up at a future date.

A couple of comments I would like to make on the Technical Committee meeting. First of all, I am very pleased to hear the positive progress report on the reference points activity.

I know that the last time that we discussed this there was concern because of time constraints and kind of the dynamics of the situation early on. And I think it was the board's indication at that time that it was appropriate for the committee to take what time they needed to do an effective job and to achieve consensus, and I am absolutely quite pleased to hear that we've had a very constructive, and more importantly, productive starting point on this, and I look forward to the committee's continued progress.

Let me also offer a comment on the issue of the subcommittees. Recall that we did do quite a major restructuring of our technical/ advisory structure last year, and created a leaner, meaner Technical Committee, if you will, with authorization for the establishment of subcommittees subject to the approval of the Chair.

It was my pleasure to approve the subcommittees as Heather has laid them out earlier. Let me tell you that it is my intention to authorize the Chair, or the Chair's designee from each of those subcommittees to attend Lobster Technical Committee meetings, so there is continued cross communication between the subcommittees and the Technical Committee as a whole.

In the case of the Socio-Economic Subcommittee, however, it would be my intention to authorize that committee to have both a social scientist and an economist from among their membership to

participate in the Lobster Technical Committee meetings.

That's pretty much what I had to say. Are there any questions of Carl on the Technical Committee Report? Pat.

MR. P. WHITE: You've covered an awful lot of things, Carl, that the Technical Committee went over. Can you get into a little bit more depth in the discussions that you might have had in reference to the reference points, and what direction you're headed with that?

MR. WILSON: You're right, Pat, there was a lot of discussion about the current reference point, F-10 percent, and the fact that it's a threshold and not a target. You mentioned this earlier today about what is a threshold and what is a target?

Right now F 10 percent is the threshold and the target, and we don't really know where the target is; that's never been laid out there. And so you're right, there was a lot of discussion on that as far as how much of a precautionary approach is.

And there is non-consensus in the Technical Committee about the validity of the F-10 percent, I guess. And I think that's a lot where the board is coming from, is understanding that there's discussions of F 10 percent, and that's where we're pursuing alternative or additional reference points to present to the board.

I don't know if that answers your question. One thing I did want to mention, as well -- and, Pat, you brought this up again -- was a discussion on the Long Island Sound die-off and implications for egg rebuilding schedules and the like; and if the board wanted us to focus on that or at least give it some attention to present something to the board next time, I think we'd be happy to do that as well, if that was desired.

MR. P. WHITE: Do you need a motion for that, Mr. Chairman?

CHAIRMAN COLVIN: I don't think we do. I think it's going to be incumbent to some degree on the New York and Connecticut representatives to make information available to the Technical Committee to facilitate that discussion, and I am sure we would welcome it. Ernie.

MR. BECKWITH: Yes, I don't know if either the Chairman or Carl can answer this question, but is there any expectation that results from the Technical Committee in regards to re-estimation of the reference points and F-10 would be available for us to incorporate any needed changes in Addendum III for next year?

MR. WILSON: I think you'd probably be pushing things a bit in that it's one thing just to come up with some reference points. It's another thing to come up with the technical nuts and bolts to identify where you are in relation to those reference points.

Actually, Mark would probably give a better indication of what it takes, but it all depends on the timing, I guess. We're hoping to be able to provide the board in April with kind of a strawman of, you know, here's some options.

Then we'd like to hear back from the board of where we should pursue it, and that's going to really give us our technical charge for us to pursue.

CHAIRMAN COLVIN: If there's nothing further on the Technical Committee, let's move along. The next item is Board Review of the PID for Amendment 4. Heather.

MS. STIRRATT: Last year this body directed state personnel from the states of Rhode Island and Massachusetts to begin the development of Amendment 4 to the Interstate Fisheries Management Plan for American Lobster.

The primary purpose of this document would be to consider conservation equivalency for two coastwide requirements under the FMP.

Specifically, they are, number one, the prohibition on possession of V-notched females; and number two, landings limits for non-trap gear; namely, the 100/500 rule. Bob Glenn of Massachusetts and Tom Angell of Rhode Island have both worked very diligently to be able to bring a draft PID before the Lobster Management Board for consideration today.

And I would specifically like to thank those two particular agencies and those individuals in particular for the very substantial work that they've done on getting this document before the board in a very timely fashion. So thank you very much to the states of Massachusetts and Rhode Island.

A draft of the PID can be found under Attachment number 4. The draft contains a brief introduction of the ASMFC Lobster Management; details regarding the purpose of the document; outline of the process; background on Amendment 3 requirements; fishery and stock descriptions, as well as options for public comment.

Given that most of this information is covered both in the current FMP and most recent peer review stock assessment, I am just going to focus on the issues in particular, so I hope that is amenable to the board. If not, we can get into a more detailed discussion.

Issue 1 in the draft PID deals specifically with the Outer Cape Cod Lobstermen's Association petition for the board to consider conservation equivalency to the prohibition on possession of V-notched females.

Specifically, the Outer Cape Cod Lobstermen's Association is interested in proposing an immediate gauge size increase to the 3-5/16 inch in the Outer Cape Lobster Management area.

Following this increase, the minimum gauge size in the Outer Cape Lobster Management Area would remain at 1/32 of an inch above the ASMFC coastwide minimum. This action is going to be proposed as conservation equivalent.

I would note that the commission is not in receipt of a formal proposal. This is information that has come from the state of Massachusetts, and I simply provide it here for your further understanding of the issue.

There are two options which are listed in the PID. The first one is status quo, in which we would take no action. And the current prohibition on possession of v-notched females would remain under a coastwide requirement, only changeable via an amendment.

Option two would remove this measure and place this requirement under coastwide measures applicable to all states and areas along the Atlantic coast. This move would in effect allow adaptive management to take place and conservation equivalency to be considered.

So, just to put everything in perspective, if the PID for this particular option moves forward and an

amendment is finalized that would allow for conservation equivalency to be considered, then the state would then submit a proposal to the commission, and that proposal would have to be reviewed for its conservation equivalency, just to put it all in perspective.

Issue 2 relates to the concern from the non-trap section of Area 2 inshore lobster fishery in Rhode Island, in that non-trap landings limits are imposed on only one gear sector of the fishery, which currently accounts, I believe, for pretty minimal landings.

1.62 percent was what I was provided with; as compared to the total Rhode Island landings. There are two options. Before I get into the options, I should note that commission staff is not in receipt of any further explanation of what proposal would be submitted to consider conservation equivalency.

So, if you have any questions relative to that, you should direct them to the state of Rhode Island, or to the more appropriate individuals.

There are two options presented herein for consideration. The first, as usual, is the status quo whereby everything would remain as it currently exists; and Option 2, which would again remove the non-trap landing limits, the 100/500 rule from the mandatory coastwide requirements, and place this requirement under coastwide measures applicable to all states and areas along the Atlantic coast.

And in fact this will basically move it under the Adaptive Management Section, and you again could consider future proposals for conservation equivalency.

The draft PID as reviewed today is before the board for consideration and possible approval for public hearing purposes. And I am not sure if the handouts were distributed by staff. They were? Okay, thank you. Staff has prepared two time lines, trying to be a little bit proactive here.

I don't want to presuppose any action that the board would take today, but just in case you were going to approve this PID for public hearing purposes, I wanted to try and get a feel of the time line that the board would feel comfortable with.

So there are two options available to you all to consider here today. One is certainly shorter than the other. I believe the first option projects that we might be able to complete this amendment process by the 1st of January, 2002. The second option promotes a time line which is much longer than that. It goes through April of next year, I believe, or April of 2002.

And I would be happy to answer any questions you may have. At this point, I will leave it at that, Mr. Chairman.

CHAIRMAN COLVIN: Are there questions at this point of Heather? Bill.

MR. ADLER: Heather, amendments can be approved at any ASMFC meeting? I thought they were only the fall and the spring?

MS. STIRRATT: If the amendment was to go through the full process, then the amendment would have to be approved by the full Commission, and that would occur at the fall and spring meetings.

MR. ADLER: So the January 1 would be a special --

MS. STIRRATT: January 1, that time line applies specific to this board, but certainly the board could approve the amendment at that time and recommend it to the ISFMP Policy Board. The

ISFMP Policy Board, if it was meeting at that time, could take action, and then it would have to go before the full Commission in April.

MR. ADLER: So it still would be April?

MS. STIRRATT: April.

CHAIRMAN COLVIN: Bruce.

MR. FREEMAN: Thank you, Mr. Chairman. There is an issue that should have been included in this addendum that's completely missing, and that was an issue we raised several years ago.

And we're told it would be in the addendum process of considering other types of harvest of lobster, i.e. mobile geared, to be allowed to use traps. And that's completely missing from here.

And this issue was raised where historically some states, but certainly New Jersey had various types of fishing gear that harvested lobster, that under the amendment those people were completely omitted from continuing to participate in the fishery except on an incidental basis, using the 100 and 500 lobster per trip.

This issue, when the public hearing was held in New Jersey a number of years ago, the issue was raised of those people, particularly using mobile gear, would like to have the opportunity to fish for lobster in a directed fishery, and the only way that could occur right now is through the use of traps.

But there is no provision and the wording in Amendment 3 does not allow those people to be considered. It was our understanding that this addendum would also address the issue of allowing people, or at least addressing the issue of historical participation in the fishery, criteria for allowing those people to enter the trap fishery. And that's simply omitted here.

CHAIRMAN COLVIN: Bruce, your comments may be a challenge to our institutional memory. And because, fortuitously, board chairs change every two years, I can always pin this on Ernie. But I will tell you that apart from that, I have no recollection that the record of the board's deliberations included any issues other than the two that appear in this PID as material for Amendment 4.

Certainly a number of issues were brought forward and proposed to be, but I am only aware that these two were formally adopted by the board. And I would also point out that they were adopted explicitly contingent on the obligation of the states that proposed them to furnish staff to write the PID.

And obviously the states of Rhode Island and Massachusetts have done so. So I am a little bit up in the air, and I would appeal to anyone, including Ernie, who might be helpful in probing this issue of corporate memory.

MR. BECKWITH: Mr. Chairman, I can recall the issue. I can't recall when we had talked about it, but I remember Bruce did bring it up.

But I would just point out that there were other issues considered for inclusion in Amendment 4, and actually it was one the state of Connecticut proposed, and that was voted not to be included. And I honestly can't recall whether the issue Bruce raised ever came up for a vote to be included.

CHAIRMAN COLVIN: Well, I would invite Mr. Freeman to turn around and take a couple of steps

backwards and have a tete-a-tete with Ms. Schick who has joined us.

MR. FREEMAN: This issue would be, again, through the discussion over the years, and, of course, we have copies of all the minutes of all the meetings, goes back a number of years. But it was indicated the way this could be handled was through conservation equivalency.

Again, the comments we had were that historically the major fishery going back a number of years in our area was mobile gear. And over the course of time, that fishery became less and less so, and traps became the major component.

And it tracked very closely with the situation that has occurred in Rhode Island. Nevertheless, the issue that we want to address is to be able to incorporate these people in a trap fishery based upon landings of mobile gear.

Now the present plan only addresses or only recognizes the only catches made are by traps. So unless you have a trap history, you can't be engaged in the fishery. And when this issue was raised, we were told at the time it could be addressed under the conservation equivalency.

That issue now has been more or less taken up with the issue of Rhode Island. Nevertheless, I can go back and get the minutes of the meetings where this was addressed, and we were simply told it would be done under conservation equivalency of -- at that time, it was even a different addendum. Now it happens to be Addendum 4.

CHAIRMAN COLVIN: I will invite public comment on this issue. Amy.

MS. AMY SCHICK: If I recall correctly, Bruce, this wouldn't come under the need for an amendment. It would be something that could be done through Addendum III to the Fisheries Management Plan, under Area 5's LCMT Plan.

And it would be conservation equivalency for the trap tag allocations. So the state of New Jersey would have to come up with a means of translating landings by trawl gear, non-trap gear, into a trap tag allocation.

The state could come forward with that proposal as conservation equivalency for a trap tag allocation and the board can consider it under that method. It doesn't require a plan amendment, and it's not directly under the non-trap gear limits of 100/500 because, if my understanding is correct, you're trying to give a trap tag allocation to mobile gear fishermen.

And that would be done through either the addendum process, through the Area 5 LCMT Plan or through New Jersey conservation equivalency where you translate the non-trap gear landings into a trap tag allocation that would provide the same level of conservation equivalency for the resource.

CHAIRMAN COLVIN: I think one other point that it's important to understand with respect to the proposed amendment is that the conservation equivalency for non-trap gear, while framed in the context of the Rhode Island situation, would if adopted be applicable elsewhere.

Are there any other questions with respect to the draft PID? Pat White.

MR. P. WHITE: Getting back to my original question of this morning, and I would really like to see somehow some sort of guidelines established for this, and I don't know procedurally how we go through with this, Mr. Chairman, but having the Technical Committee review what is able to be done

under a conservation equivalency.

I am not even addressing either of these two issues, but as issues come up, can they be actually identified as a conservation equivalency? There are some things that will come up that cannot be, and we don't currently have those guidelines to do this with.

CHAIRMAN COLVIN: That's a very fair point. And let me tell you that I have a concern from the Chair's perspective that -- Carl alluded earlier to a spirited discussion at the Technical Committee meeting on this issue, and I suspect that discussions of that nature will continue.

I have a concern that an ultimate adoption at some point in the future, whether it's early next year or some other time, of a plan amendment that includes a conservation equivalency opportunity that in fact cannot be exercised because of our inability at the time we adopt it to actually conclude that conservation equivalency exists between two alternatives is troublesome, and it tends to be leading people down the garden path, and I would not like the board to do that.

On the other hand, we don't know today, with all certainty, what we will be able to do as regards the evaluation of alternatives at the conclusion of this process. And I think if we're open about all of that at the outset, and as we go through a public hearing process, or public comment process, I think that might be helpful.

But I think we ought to be open about it, and I think we ought to make it clear to people that right now there is considerable disagreement within our technical advisors about whether this can be done.

Now, that said, I would think that should this board decide to go forward, after public review and comment, that there would come a time when we will need to make a fairly specific request to the Technical Committee to assist us in the development of guidelines and evaluation methods so that should the commission ultimately adopt an amendment, there's something in place at the outset that would serve as a mechanism for evaluation.

I don't feel comfortable making that assignment today because I think the Technical Committee has farther to go on this. Mark, did you want to address the same issue?

MR. GIBSON: Yes. I think it's clear in most of our other FMPs that the burden of technical conservation equivalency, that burden is born by the state, and they have to submit proposals. We do it routinely for a number of other species and a number of FMPs, and that should remain so here.

There shouldn't be any priority litmus test on the part of the Technical Committee that a certain suite of measures are or are not conservation equivalency.

They should simply be the review body, which once an amendment is operational that allows the state to avail themselves of that option, it should simply spell out the rules of when a submission should take place, and the Technical Committee should review them.

If they determine that it can't be evaluated, they should report that to the board; or if they concur or don't concur with the calculations, they should report that to the board. I think that's the way we operate other places, and I think we should operate the same way here.

CHAIRMAN COLVIN: Other comments. Gerry.

MR. CARVALHO: Thank you. I have two comments, one on the schedule proposed and the draft. And that is that the commission and Rhode Island being found, or recommended to be found out of

compliance, or found out of compliance in this case now is running a parallel course in its attempt to adopt or to consider Amendment 4.

One train is running at extremely high speed, and the other one is running at a lower speed. And we don't know what the second one is going to accomplish, whether it will ever get there. If the commission stays the course on the issue of non-compliance, it's going to run into a protracted legal battle.

It may start again at the Rhode Island courts and then wind up in the federal courts. In any case, we all lose from that standpoint because of the cost finances and resources that we're going to direct to address that matter.

If Rhode Island prevails on the issue, it's going to make this attempt, or it's going to change it somewhat, and the commission and the board will be damaged from a credibility standpoint if Rhode Island prevails.

Now, I don't expect to get a Dread Scott decision on the matter, but I do see pursuing the matter through the courts as a great loss to the process. I would've hoped that we could have moved this draft forward as quickly as possible and come to a conclusion, and it might avoid the parallel direction that we're going in involving the finding of Rhode Island being in non-compliance.

The second issue involves on page nine, under the description of the fishery, in the first line it says "Lobsters are also taken as a bycatch with otter trawls and gillnets." I would like to see the term "as a bycatch" removed from that sentence. Lobsters are also taken with otter trawls and gillnets.

And I've said this before to this board that otter trawl fishing and even gillnet fishing, but otter trawl fishing in particular don't necessarily target a particular species in a multi-species fishery, especially inshore.

We have certain areas where we can pursue the fish with our trawls and we're left to harvest whatever species is there at that particular time and place.

It begins with winter flounder and extends to scup and squid and summer flounder, and then butterfish. Somewhere in between, lobsters pop in, pop out. At some point during the course of the year, lobster for that period, maybe a week, may be the dominant species. At that period of time, it's not a bycatch.

It is the primary catch of the day. And most other times during the year it becomes a bycatch simply because it's relegated to be less than the major species harvested that day. So, to use that term is to attempt to recognize or to establish that in the Otter Trawl Fishery it is only a bycatch, and it's not true.

CHAIRMAN COLVIN: Gerry, let me address your comments. I will address the second first. What we have before us is the proposed text of a public information document, which would serve as the basis for securing public comment on a proposed amendment to the FMP that would be written later.

The text you just referred to was drawn directly from the current text of Amendment 3, so you know where it came from. With respect to the first of your comments, there's been considerable discussion within the last year or so with respect to the capability of the ISFMP to conduct its business through its individual boards.

And the boards are required to exercise considerable discipline in prioritizing and carrying out their work subject to the approval of the ISFMP and the authorization of money to conduct our business and the allocation of staff time to conduct our business.

It has been very clear in the record of this board's proceedings where Amendment 4 fits in our priorities, and we have not changed it. It has also been very clear that such progress as we make on Amendment 4 will only be made to the extent that the staff of the states interested in it, in this case Rhode Island and Massachusetts, bring forward the necessary materials.

This public information document is brought forward at this meeting, and no sooner, because this meeting is the soonest opportunity we had to consider the text of a PID prepared by the staff of those states.

This board is not dragging its feet; the staff of the commission is not dragging its feet; rather, we are acting consistent with what we've been provided by the two states and consistent with this board's work plan for this year as approved by the ISFMP.

And we will continue to operate consistent with what the ISFMP direction and budget gives us. Further, we will adopt any amendments that we adopt consistent with the ISFMP charter, and the process and the timeframes incorporated therein.

And I need to put that on the record, Gerry, I am afraid, because of what you said. Thank you. Is there further discussion on the document? Pat.

MR. AUGUSTINE: Mr. Chairman, that having been said, and I do think we've discussed and debated relatively well on the issues and the content of this, and I think it's time to move forward with a motion.

CHAIRMAN COLVIN: Thank you. You're not making one?

MR. AUGUSTINE: You want me to spell it out word for word?

CHAIRMAN COLVIN: Yes, please.

MR. AUGUSTINE: Okay, how do you want me to say this? I make the motion that we move this document forward to now go to the ISFMP.

CHAIRMAN COLVIN: We would be approving this document for public comment.

MR. AUGUSTINE: Okay, that's it. See, all I had to do was wait for it to be put up there. I didn't have to say anything. Move to approve the PID for Amendment 4 with -- do we have any exceptions or changes made to the document that should be stated in the motion?

CHAIRMAN COLVIN: Not at this point; we may later. Is there a second to the motion? Second by Ritchie White. Discussion on the motion? Lew Flagg.

MR. LEWIS FLAGG: Thank you, Mr. Chairman. I was hoping to be able to speak before the motion was made. I did have a suggestion for an addition to the document under Issue 1, Management Options.

**Following Option 1, I would like to recommend that we include an additional option, Option**

**1A, which would read "same as Option 1 with the addition of a zero tolerance provision on the possession of v-notched female lobsters."**

CHAIRMAN COLVIN: Lew, can you repeat it for Joe? Put it up there.

MR. FLAGG: Same as Option 1, with the addition of a zero tolerance provision on the possession of v-notched female lobsters.

CHAIRMAN COLVIN: That is a motion, Lew?

MR. FLAGG: Yes, it is.

CHAIRMAN COLVIN: A motion to amend by incorporation of this language. Before I look for a second, let me ask a couple of questions. I have a concern about what may be needed here.

Does this motion incorporate an option that is substantially different from the two options presently on the table, and would it therefore require additional supporting text? Heather, can you give me an opinion on that?

MS. STIRRATT: To be honest with you, Gordon, no, I can't give you an opinion on that. Perhaps someone else can around the table. Perhaps Dieter can.

CHAIRMAN COLVIN: Lew, what's your thought on it in offering the motion?

MR. FLAGG: It has to do with the current definition of a V-notched lobster in that there are only two states which have zero tolerance on v-notch, possession of v-notched lobsters now. And it has to do with the definition. And in these analysis which may be made later on, it does have some implications in terms of looking at conservation equivalency.

CHAIRMAN COLVIN: Is this, in effect, Lew, substantively amending the definition of V-notch in Amendment 3?

MR. FLAGG: Yes, it would.

CHAIRMAN COLVIN: That being the case, did we not consider that as a separate issue along the road to this and reject it? John, help.

MR. NELSON: Well, Mr. Chair, if we go to page 5 -- and I might be missing some of the nuances here, but if we go to page 5 of the public information document, under the coastwide requirements, the language that we have here is "it is unlawful to possess" -- I am sorry, I am looking at the one -- "It is unlawful to possess a V-notched lobster".

So possession versus landing is what I saw as the difference between what was in Option 1 on page 13 and what Mr. Flagg is suggesting. So, I am not sure that there's a difference in a definition of V-notch.

It's whether you have it in your possession while on the water versus be able to land. And if the language on page 5 is what we have in our amendment, which says "possess", then I would say that what might needed to be done is if Option 1 is status quo, then instead of saying "landing of V-notched lobsters would be prohibited", what we would say is "possession" because that would be status quo. "Possession" would be prohibited.

CHAIRMAN COLVIN: Can we get a little bit more elaboration from Maine about the intent and the effect of the proposed amendment?

COLONEL JOE FESSENDEN: Presently in the state of Maine and New Hampshire, both state laws provide for a no minimum size of a V-notch, which means there's zero tolerance for a V-notch size.

The federal government, the National Marine Fisheries Service and the other states, I believe, go by a quarter inch V standard. And I think this proposal eliminates the quarter inch V and makes it a mandatory coastwide requirement that they cannot possess a female lobster with any size V in the flipper.

CHAIRMAN COLVIN: Thanks, Joe. That proposes then specifically to amend Section 3.1.4 of Amendment 3, which relates to the definition of a V-notch. The Chair is going to rule that that's inconsistent with this fundamental option of Option 1 with respect to conservation equivalency for V-notched or non V-notched prohibitions, and indicate that the motion is out of order in this context.

If Maine would like to bring the motion up again to propose it as a separate issue specific to 3.1.4, you may do so. I don't know how the board is going to react to the addition of a new item to this PID at this time, but that's your option.

MR. FLAGG: Thank you, Mr. Chairman, I will pass.

CHAIRMAN COLVIN: Are there any further discussion on the main motion? Seeing no discussion on the motion, do you need to caucus? Time for caucus. Ready?

I will take the question. All in favor, please signify by raising your right hand. Again please, your right hand.

MR. NELSON: The motion is to approve the PID, Mr. Chairman, right?

CHAIRMAN COLVIN: The motion is the top motion, to approve the PID for Amendment 4 for public hearing. The bottom motion was withdrawn. Opposed, same sign; abstentions; null votes. The motion carries.

Is there anything further to come before us with respect to Amendment 4? Thank you.

MR. NELSON: What about timing, Mr. Chairman?

MS. STIRRATT: Not to go backwards, but Amendment 4 and the time lines, understanding that the full Commission would need to vote on this at their spring meeting in April, is there a preference for when the management board would like to see this process completed, early next January or April; or does it really matter? It doesn't matter?

MR. AUGUSTINE: Mr. Chairman, how does it fit in with the rest of the schedule that you are faced with in terms of what you have to produce?

CHAIRMAN COLVIN: So long as the National Marine Fisheries Service agrees with the recommendation the Policy Board made this morning; and, the states of Massachusetts and Rhode Island continue to do what needs to be done, we'll meet the schedule.

Now, we have to get the Technical Committee to help us out as time goes on consistent with our

earlier discussion.

MS. STIRRATT: And one final question, and this will get into the discussion at the end of the meeting today, but that relates to public hearings and funding available for public hearings to occur. I would assume that public hearings would be held according to one of the time lines that have been provided to you. That could happen either from February through May; or from February through March.

CHAIRMAN COLVIN: We're required to have a minimum of four hearings?

MS. STIRRATT: Yes, a minimum of four hearings.

CHAIRMAN COLVIN: We'll need to identify locations for a minimum of four public hearings. And again, we don't have travel money for this. I am not expecting Heather to go traveling to public hearings for this.

We expect the states to do what they can to organize and conduct the hearings. But we will need a minimum of four, and I don't know that we want to have all four in only two states, so this is something else to be considered.

MR. NELSON: I'll do one.

CHAIRMAN COLVIN: John volunteers. I know Rhode Island and Massachusetts I am assuming will at least have one each.

MS. STIRRATT: Gordon, we don't need a minimum of four in the first round.

CHAIRMAN COLVIN: We don't.

MS. STIRRATT: No.

CHAIRMAN COLVIN: Hold on one second, we're checking on the hearing business. Will Maine be holding a hearing on this?

MR. P. WHITE: Maybe.

CHAIRMAN COLVIN: Well, we're over the top. We need four, we've got at least that many.

MS. STIRRATT: According to the ISFMP Charter, it says under public participation that a minimum of four public hearings is required for a draft FMP or a draft amendment. So, for the first round we wouldn't require a minimum of four; for the second round, we would.

CHAIRMAN COLVIN: So we don't have a minimum number, but at any rate it's moot because we know that we're going to have a minimum of five based on what's been discussed here today, and then maybe more. Bill.

MR. ADLER: Apparently we can't have our hearing until like April?

CHAIRMAN COLVIN: So be it. So we'll be on that schedule, beyond the Option 2 schedule. So be it. Anything further on Item 8? Then let's move on to the NMFS Status Report. Harry.

MR. MEARS: Thank you, Mr. Chairman. Our public comment period for the draft supplemental environmental impact statement ended on January 9th.

We had four public meetings during the public comment period; and just to reiterate the major components, there was a preferred alternative for adoption of a fishing effort regime based upon historical participation in Areas 3, 4, and 5.

There was also a preferred alternative to accept a commission recommendation to approve conservation equivalent trap limits in New Hampshire coastal waters.

And the third component involved the clarification of boundary coordinates for lobster management areas in Massachusetts waters. We are currently in the development, review and clearance procedures of the next step, which is a proposed rule, which will be followed by another opportunity for public comment to be followed by a final rule.

CHAIRMAN COLVIN: Thank you. Are there any questions for Harry? I do believe that copies of the commission's comments on the EIS are in the handouts. And I know many of the board members commented individually.

If there's no further questions on federal update, let me turn to Dave Spencer. Dave, do you have anything for us this morning?

MR. SPENCER: Yes, thank you. The Advisory Panel has not met since our last meeting, but I do have three items I would like to bring up. The first, I received a letter dated December 1st from Jim King.

He asked that it be read into the public record here, but it's part of your packet, and in the interest of time, I will just urge you all to read. In short, it's his resignation letter, and I think it's worth reading because Jim has been a long-time active participant in lobster management.

The second item is a request that the Advisory Panel had at our June 6th meeting, which was brought before the board, and it's in regards to conducting workshops for transferability.

To my knowledge there was no discussion and we were given no direction in which way to go with this. We brought it up at the last board meeting, and it was decided that we could get a decision one way or the other at this meeting. So I would ask that there be a decision made on that.

The third item has to do with the composition of the Advisory Panel. The recomposition of last summer gave the Advisory Panel members some concern, and, in short, we were concerned that area and gear types may not be represented on the Advisory Panel due to the new composition; and also felt that this group had worked together very well through some very difficult issues and any disruption would not be good at this time.

That issue was brought before the Advisory Committee, and I believe they have something to say about that as well, but that would conclude my report. Thank you.

CHAIRMAN COLVIN: Thank you, David. Are there any questions? Thank you. Joe, anything from Law Enforcement today?

COLONEL FESSENDEN: The Law Enforcement Committee has not met since the last fall meeting. However, we did meet at Cape Cod last week with the members of Rhode Island,

Massachusetts, New Hampshire and Maine, and had quite a discussion about lobster trap tag enforcement between the four states, and we had some good feedback from the commercial lobstermen of Massachusetts.

I found it was interesting in that state particularly they want to see the trap limit enforced, and they're looking at the Law Enforcement Committee for ways to improve enforcement. So we are working on that and engaging with the industry.

While at that meeting, we had a discussion about the enforcement of minimum gauge differences between the states and the area management plan. The Law Enforcement Committee is concerned about the different minimum gauge size.

It is a concern, especially Massachusetts when they're looking at possibly three different minimum sizes, and it's going to be a problem for law enforcement. I think we'll try to do everything possible to enforce it.

But it looks like to me it's going to be a landing and possession minimum gauge size in the states with several different sizes. It's going to be tough to enforce. And in my experience between Maine and New Hampshire, when New Hampshire always had a smaller gauge size than the state of Maine, we had problems on the border with bootlegging, people smuggling Maine shorts into New Hampshire.

That stuff went on, and when we start to see, for example, Gloucester is going to have a smaller size than Boston, you might see similar things happening in Massachusetts and other states. So it is a concern of law enforcement and going from a 3-1/4 minimum size throughout the range to different gauge sizes is significant. That's about it.

CHAIRMAN COLVIN: Thank you. Any questions for Joe? Thank you, Joe. Okay, the next item is staff overview of long range. Bruce, sorry.

MR. FREEMAN: I had a question of Joe Fessenden on his Enforcement Report, if I may. Joe, relative to conversations your committee may have had, did it deal with the possession versus size at landing? Did that come up at all? Would it be easier to have a possession?

I understand the problems with Massachusetts, and if a state is involved with two different size or three different size, or variable size limits, it's very difficult. But relative to an enforceability of possession versus -- possession in the state versus possession upon landing?

COLONEL FESSENDEN: Well, it certainly depends on what you're looking to get. The markets are a major issue. The retail and wholesale market is a major problem.

If you want the supply of lobsters, for example, down in New Jersey, and you're depending on looking at the state of Maine, for example. for lobsters, if you have a strict possession limit in the state of New Jersey, it's going to eliminate that Maine market from coming down there.

And that's an issue. Turn that around a little bit, though, like, for example, Maine has always had an oversize law, and it's a possession limit. Even though the lobsters were legally taken, for example, in Area 3, they cannot be landed in Maine or possessed in the state of Maine. And that works fine for our state.

I understand, for example, in New Hampshire, a majority of fishermen are Area 1 fishermen that cannot take the five-inch lobster. However, they have significant Area 3 participants landing and I

understand there's no problem with that.

In the market place, those five-inch lobsters are sold and it's a non-issue for the state of New Hampshire. So it kind of works both ways. It really depends on what the state is looking for.

But on the retail and wholesale end of it, you're really looking at the minimum gauge size as for what that state has an enforceability range. I don't see how you can enforce a 3-9/32 in a gauge size when lobsters can be legally taken at 3-1/4 from that state, or from another region.

CHAIRMAN COLVIN: Further questions? Then we'll ask Heather to address the long-range planning and schedule.

MS. STIRRATT: You're about to receive a three-year long-range planning matrix; and according to our action plan for 2001, we have a really full plate. We're tasked currently with the completion of Addendum II and Addendum III; the reconciliation of lacking synchronicity between state and federal management, which if you recall from our last board meeting, requires the development of -- well, we have a subcommittee.

They need to get together and really flesh out some of these issue and try and get a game plan for how we can better coordinate the two management schemes.

Work on Amendment 4 as resources are available and continuance of our monitoring of the fishery for consistency of management parameters and state compliance.

A substantial budget allocation will be required to cover these expenses. Staff originally, when we submitted our budget request, Amy had done that. And Amy had requested a minimum of four Technical Committee meetings, two to three conference calls -- well I have added this one, two to three conference calls for Technical Committee subcommittees; two AP meetings; two Plan Review Team meetings and/or conference calls; one Plan Development Team meeting; and two conference calls; and one Stock Assessment Subcommittee meeting.

So if you can take those committee meetings and try to visualize the number of dollars to support, that type of a program for this fiscal year is really pretty substantial.

In terms of long-range planning, you'll note that I did not add Amendment 4 on to this chart and any further for next year because I didn't really know if it was going to go through today or not. I can certainly do that.

Staff is aware of continuing requirements to annually assess the status of state compliance and those you will find on that matrix; and also to report back to the board on the status of the FMP.

Other than those tasks, the possible extension, as I mentioned of Amendment 4 into calendar year 2002, and the continuation of building upon the state and federal co-management programs, there really aren't any other tasks on my list.

But you all know as well as I do that as we sit around this table, new things come up at every meeting. So, this is as far in advance as I can predict what we have on our plates; and if you all have additional items that we need to consider, please let me know.

CHAIRMAN COLVIN: Dieter, I am sort of looking to the possibility that if we are successful with the recommendations that the Policy Board made earlier today to the National Marine Fisheries

Service, that it may be possible to revisit the Lobster Board's work plan and expectations as early as fiscal year '01.

Do you think that's possible? I am particularly interested in trying to create more opportunities for Technical Committee work, especially since they've gotten off to such a good start now on the reference points and other things.

MR. BUSCH: Yes, Mr. Chairman, I think there is that flexibility.

CHAIRMAN COLVIN: Thank you. Any questions on this issue? Seeing none, let's move to Other Business. The other business item I have is the question raised by Ernie Beckwith on trap tag allocations for multiple boat owners. Ernie, would you like to discuss that?

MR. BECKWITH: Yes, let me give it a shot. It's a rather complicated problem, and we've been trying to deal with it for well over a year and spend many hours on the phone talking to Harry, and more recently Peter Burns, and I don't think we have it resolved.

And we really need some direction from the board. And I think it's probably a problem that may be particular to us in Area 6, but perhaps it applies to other areas. But let me just give you a brief overview of the issue.

I'll talk about some of the background items that really will help you understand the issue, and then try to frame the problem for you.

The issue is how do we deal with trap allocations for multiple vessels owners when one of those vessels has a federal permit, and that vessel elects to fish outside of Area 6?

For instance, it's an Area 6 fishermen, he has a state allocation from us, he has a second vessel or he wants to buy a second vessel, and that vessel will only be used, for example, to fish in Area 2 in federal waters.

So a little bit of history here. Area 6 is a history-based system, as you know, in terms of determining trap allocations. We license fishermen. We don't license the vessel. So a Connecticut fisherman will get one pot allocation regardless of the number of vessels that he owns.

I mean, that has been our position. Last year when this issue came up -- it's not a large number of people that are caught up in this thing at the moment that currently own vessels, but there are a number of people that are looking to purchase second or third vessels that have a federal permit.

But let me give you an example of one individual we had to deal with last year. He owns two vessels; he has a pot allocation from us based on his history, which is quite high. It's a couple thousand traps.

One of his vessels has a federal permit. That vessel only fishes in federal waters. His other vessel fishes only in state waters. And his concern was that according to the plan, your allocation is based on the most restrictive area that you fished.

Even though he has two vessels and he planned on fishing himself the state vessel in state waters, he couldn't guarantee to us that he would never go on that other vessel that would fish in Area 2 with a federal permit.

His captain running that boat could get sick or want to take a vacation. So we told him that his

allocation would not be a couple thousand pots because he would fish in Area 2 at some time, and his allocation would be 800 pots.

And so he sold that boat. That's a whole another issue. That's another issue that I will probably deal with. He sold the boat, but does he in fact still maintain an interest? Could he sell it to his wife, could he sell it to his brother-in-law?

I mean, those are all other issues that we had talked about. We have been told by fishermen that this isn't fair, that the National Marine Fisheries Service does it differently. Other states do it differently.

This is more of a problem for us this year because now we have an arrangement with NMFS this year where we will authorize a federal trap allocation as well as a state allocation. Last year NMFS did that for the federal permit holders; this year the state of Connecticut is going to do it for everyone.

So now, all of a sudden a problem that we sort of had last year is squarely in our laps this year. That's the problem, and what some fishermen are telling us is if they own multiple vessels, they should be allowed to retain their state allocation authorization if it's greater than, in this case, 800; if that federal permitted vessel fishes only in federal waters.

And obviously you can see it's a big issue, whether a guy gets 800 traps for all of his vessels, or whether he gets 800 traps for each of his federal vessels and still retains his state allocation in state waters if it's greater than 800.

So I am looking for some direction from the board on how we should proceed. And Harry and Peter and I have talked about this and perhaps they want to make some comments on it, too.

CHAIRMAN COLVIN: Harry.

MR. MEARS: Thank you, Mr. Chairman. Ernie adequately described the problem. The federal perspective on this is that we in fact licensed the vessel. An individual can own several vessels and each of those vessels has the right to the amount of tags that would be allocated in the opposite that Ernie just explained it at the state level.

They can receive -- if they fish in nearshore EEZ areas other than Area 3, they can receive the number of vessels they have times 800. And I only left out Area 3 to simplify it. If they have an Area 3 vessel that only fishes in Area 3, at the current time they can receive 1,800 tags.

So, any one individual can receive -- there's no limitation. It is limited by the number of vessels and the tags are allocated on the basis of the vessel, not the individual.

CHAIRMAN COLVIN: Are there any other comments or suggestions? Ernie, what are you looking for here?

MR. BECKWITH: I am looking for what could we do? And there are a couple of alternatives, probably three that I can think of off the top of my head. We do it the way we're currently doing it. We limit you to the most restrictive area, regardless of whether your fishing federally permitted vessels or state vessels.

Our fishermen tell us this isn't fair; they claim some other states are doing it differently. I don't know if that's a fact.

CHAIRMAN COLVIN: Let's hold it right there. It does seem to me that it would be at least useful to find out the answer to that question.

And rather than try to do it today, maybe it would be useful for a memo to go out from the commission to each state that lays out the circumstance and ask what the practice has been so that we at least get a definitive answer. Is there any objection to doing that? Harry.

MR. MEARS: Just a comment. I believe we still have a Trap Tag Committee. I don't know if this group would be appropriate to be tasked with an issue such as this, but I am just acknowledging that that group I believe still exists.

CHAIRMAN COLVIN: Okay, that may very well be where we want to go next. Thank you, Harry. Ernie, I --

MR. BECKWITH: No, that's fine, Gordon. It's a little time sensitive because we have to mail out to our fishermen what their allocation is going to be. Obviously, we can do the mailing to most of the people and just try to work with the few problem people we have.

But if the board decides to do that, I would like that to be done in a fairly quick manner, if possible.

CHAIRMAN COLVIN: Okay.

MR. JENSEN: What is your preference?

MR. BECKWITH: Pete just asked me what my preference is. Obviously, the easy way out for us is to give the person -- if the person verifies that that federal -- well, he doesn't have to verify it, if he gets 800 federal tags for his federally permitted vessel, there are no federal waters in Long Island Sound, so that vessel is not going to fish those traps in Long Island Sound.

So let him have his 800 traps and then let him have his full state allocation for state waters for any other vessels that he fishes. That's the easy way out for us. There's one other -- well, I I don't want to put too much on the table. Let's just let the board -- I am hearing some people saying "Fine, let's do that".

And if you don't have any problem with that, perhaps we can have a motion to that effect and just resolve the issue right here.

CHAIRMAN COLVIN: Joe has his hand up. I am going to come back to you for a motion.

COLONEL FESSENDEN: What I would look out for is you can only fish -- for example, when you stock 800 traps, you can only fish 800 traps from a vessel. And if you just keep thinking that all the way through the process and reminding the fisherman that he only can fish 800 traps from that vessel, I think you'll work it out.

But you don't want to get into a situation where somebody has on paper two vessels, and they have 1,600 traps, and they're fishing from one boat. And that's what's going on in Maine. We've got that situation going on a little bit in Maine, and what we're doing, we're in the process of going through rulemaking -- well, actually we're proposing it for rulemaking; it hasn't happened yet.

We actually tried to do this last fall and we got shot down. We're going to go back at it again. But what we're going to do is register trap tags to the vessel, and we're not going to register more than

800 trap tags to a vessel.

That comes into multiple people fishing off one boat, too. So there's a lot of different scenarios. But if you follow that through, only 800 traps to a vessel, and you keep covering that base, I think you can work through the process.

And we've dealt with that a lot in Maine with all kinds of different combinations. And holding true to that 800 traps to a vessel, it's pretty much taking care of itself in almost every case. And I would be glad to talk to you about it sometime, too, certainly.

CHAIRMAN COLVIN: Ernie, do you want to offer a motion?

MR. BECKWITH: Okay, I am just trying to think whether I should make this a generic motion or make it specific to Area 6. It affects your situation, too, Gordon.

What's the board's preference? Do we just address the Area 6 problem and I'll frame the motion that way?

CHAIRMAN COLVIN: Why don't you offer a motion and we'll see where it takes us.

MR. BECKWITH: Okay, you're going to see me create this on the fly here. I move that the trap tag authorization for Area 6 fishermen that own more than one vessel not be -- if on one or more of those vessel holds a federal permit, and that fisherman elects to fish in federal waters, that federal waters trap allocation will not reduce his state history-based allocation if it's greater than the federal trap limit where he fishes his federal vessels.

I'm kind of rambling, but I think I got it. Got that, Joe? Read that back, Joe. Does it make sense to people?

CHAIRMAN COLVIN: No.

MR. BECKWITH: No, it didn't make sense?

CHAIRMAN COLVIN: Sorry.

MR. BECKWITH: Maybe when we can put it up on the board, we can clean it up. We could find a simpler way to say it.

CHAIRMAN COLVIN: Does the staff have the motion? You guys are good. Jim.

MR. JAMES J. FAIR, JR.: While we're waiting for the computer, the company Stoffel can write anything a state wants on these tags. So in a situation like Ernie is describing, we would issue tags to the federal license holder, which clearly were not able to be used in state waters.

The have "EEZ only", or something like that on it. There's many different combinations. But we also license individuals, but we're tracking the vessels. So it's 800 tags per vessel. If a person had a second vessel with a federal permit, we would issue him whatever the federal allocation was, but a tag that was only good in the EEZ.

CHAIRMAN COLVIN: Ernie, is that a solution to your problem?

MR. BECKWITH: I didn't hear the whole thing because Pete was talking to me.

MR. JENSEN: I was trying to clean up his motion.

CHAIRMAN COLVIN: Jim, try it again.

MR. FAIR : Ernie, in the case of a person who has two licenses, one federal, one state, and two vessels, we would issue him 800 tags for the vessel that's covered by the state license, and whatever the federal allocation is for the other vessel, but a tag that clearly said "EEZ only" on it, so there was no chance that the two could be combined.

MR. BECKWITH: I think that's pretty much what I was trying to do in that motion. That's where I was trying to go with it.

CHAIRMAN COLVIN: Do we need a motion for this, or do we just need a sense of the board that what Jim just outlined is the solution to the issue?

MR. BECKWITH: That's the important thing, that we do it fairly and consistently for all the states. That's my primary concern.

CHAIRMAN COLVIN: If there is no objection, I am going to suggest that it be recorded in the minutes that it's the consensus of the board that the procedure just outlined by Jim Fair is the resolution of the issue before us. Pat.

MR. P. WHITE: The only question I had with what Ernie was saying is did the second boat have the desire to also fish in state waters, or was it exclusive to the EEZ?

MR. BECKWITH: It's exclusive to the EEZ.

CHAIRMAN COLVIN: I think Jim's solution works; and without objection, that's what we'll record in the minutes. Thank you. Good job by staff. Fortunately, we found a simpler way to do it. Is there anything further to come before the board? David.

MR. SPENCER: Thank you, Mr. Chairman. If you would allow me, I would like to go back to the Advisory Report. And on one item, this was the third time we brought it before the board, specifically the Transferability Workshops, and we've not had either discussion or a decision.

And, honestly, I think it's only fair to the advisors to give them an answer one way or the other on this issue. So, I guess I would like to hear some discussion, if that's all right.

CHAIRMAN COLVIN: Heather, can you help us with that?

MS. STIRRATT: What David said is true. I was tasked at the last management board meeting to go back through the minutes and see if there had been any action taken on this particular recommendation from the AP, and there had been no action taken.

What I suggested to David was to see if in fact it is the will of the board to explore a Transferability Workshop; and if so, given that we already have our work plan for 2001 and funds have pretty much been spoken for at this point, the board could make a recommendation to staff and to perhaps the appropriate division within the commission -- I am not sure if that would come under AOC or ISFMP, but to really consider the development of this workshop for 2002. We just need some

direction is the bottom line.

CHAIRMAN COLVIN: Thank you. Would any of the board members object to proceeding as Heather just suggested in asking the staff of the commission to take up the request and come back to us with a strategy again, whether it came from the ISFMP or Research and Statistics, that laid out a process and a schedule for 2002?

Without objection, that's what we'll proceed to do. David, thank you very much for bringing that back to our attention. Lew.

MR. FLAGG: Thank you, Mr. Chairman. I was talking with George this morning and he wanted me to bring up an issue that will be a concern to the Lobster Board, and that has to do with the whale issue and the fact that the date of the gear modification measure is February 21. It had been put off a month.

Apparently there was agreement with the Take Reduction Team and a recommendation that in fact the gear modifications coincide with the spring fishery, or at such time as new trap tags are required. I don't know if this is an issue with other states relative to any concern about the date for the gear modifications.

I just bring that up for those states that may have an interest in that issue. The other issue has to do with whether or not they may be interested in looking at a more comprehensive time area closure scenario relative to the whale issue, and whether or not states are interested in working together in coordinating their efforts in this area to deal with the whale conservation issue?

CHAIRMAN COLVIN: Any questions or reactions to Lew? Bill.

MR. ADLER: I was talking yesterday with Senator Kerry's office with regard to this issue of the federal whale rule delay, and I expressed our concern for even the February date because of the rule on "must mark your ropes". And this is for even Area 2, Rhode Island, et cetera, et cetera.

We suggested that it would be more appropriate to have it start around May because by that time the gears come in, the ropes have dried, they can do it before they put the ropes back out. And so we had told our delegation that that would be a better time than even February. I don't know where Maine did that.

CHAIRMAN COLVIN: Pat.

MR. P. WHITE: Further complicate it and I won't make it long. I have also tried to get in touch with Silver Spring to find out what this 90-day delay on implementation of many of the things in the federal register is, and I can't get any answer.

I don't know if anybody in the room has any new answers today, and I won't put them on the spot. But, indeed, it may be delayed through this process until May.

CHAIRMAN COLVIN: Anything further on this? Lew.

MR. FLAGG: Just one other thing. We have tried to develop a Maine Whale Plan related to time area closures, and Terry Stock will be in touch with other states to see if, in fact, there is interest in terms of looking at a more coordinated approach from Maine through perhaps New York.

So if you all have interest, we certainly would be interested in partnering with other states on this issue.

CHAIRMAN COLVIN: Thank you for the offer, and we appreciate that, Lew, and we'll look forward to that contact. Pat.

MR. AUGUSTINE: Thank you, Mr. Chairman. Did I step out of the room when action was taken on the person to go on the Advisory Panel, or was that just accepted as a fact?

CHAIRMAN COLVIN: You're right, we have not done that, and thank you for bringing that up. Mark, do you want to make a motion?

MR. GIBSON: I would like to make a motion for the board to consider the nomination of John Sorlien as replacement for Robert Smith as a Rhode Island member to the Lobster Advisory Panel.

MR. ADLER: Second.

CHAIRMAN COLVIN: Seconded by Bill Adler. Discussion? Objection to the motion? Without objection, so ordered. Thanks again, Pat. Tina.

MS. TINA BERGER: I just wanted to clarify one thing for Rhode Island's lobstermen. It said that he replaces Thomas Hall. You still have Jim O'Malley.

MR. GIBSON: Replace Robert Smith.

MS. BERGER: Robert Smith, okay.

MR. GIBSON: And we have David Spencer, Robert Smith, those are now our two -- we were cut to two members.

MS. BERGER: Right, so I am assuming James O'Malley is no longer a member, then?

MR. GIBSON: Right.

MS. BERGER: I am just clarifying that for my own record.

CHAIRMAN COLVIN: Thank you, Tina. Is there anything further to come before the Lobster Board?

MR. AUGUSTINE: Motion to adjourn.

CHAIRMAN COLVIN: Without objection, we stand adjourned. Thank you for your cooperation and assistance.

(Whereupon, the meeting was adjourned at 12:50 o'clock p.m., February 1, 2001.)

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