

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

Radisson Hotel  
Alexandria, Virginia  
March 8, 2004

Approved May 26, 2004

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## ATTENDANCE

### Board Members and Proxies:

George Lapointe

Pat White

John Nelson

Dennis Abbott

G Ritchie White

Paul Diodati,

Bill Adler

Mark Gibson

Gil Pope

Jerry Carvahlo

Eric Smith

Lance Stewart

Fred Fillici

Russell Dye

Roy Miller

Gordon Colvin

Pat Augustine

Bruce Freeman

Ed Goldman

Tom Fote

Harry Mears

Joe Fessenden, LEC representative

Bob Glenn, TC Chair

Bob Baines, AP Chair

### ASMFC Staff:

Carrie Selberg

Vince O'Shea

Robert Beal

Nancy Wallace

Patrick Kilduff

### Members of the Public:

Bob Ross

Everett Petronice

David Spencer

Bonnie Spinazzola

Patricia Kurkul

Kristan Blackhart

Anne Lange

Tom Meyer

John German

George Dahl

Mark McSally

Roy Campanale

Peter Brodeur

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The meeting of the American Lobster Management Board of the Atlantic States Marine Fisheries Commission convened in the Presidential Suite of the Radisson Hotel, Alexandria, Virginia, on Monday, March 8, 2004, and was called to order at 3:16 o'clock p.m. by Chairman Patten D. White.

### **Approval of Agenda**

CHAIRMAN PATTEN D. WHITE: I'd like to welcome everybody on my debut as the chair of the Lobster Board. I'm a little concerned that Vince has got this backwards.

We have the Lobster Board meeting today, and then I have my tutorial on Roberts Rules of Order on Thursday, but I'll try and do my best, and Carrie will kick me if I'm headed off in the wrong direction. I guess the first thing to do is approve the agenda. Do we have any additions to the agenda?

MR. GEORGE LAPOINTE: Mr. Chairman.

CHAIRMAN WHITE: Yes, George.

MR. LAPOINTE: Under other business, Mr. Chairman, I would appreciate some discussion on proposed federal action on the implementation of the Addendum IV most restrictive language. Under other business, I'll get into more detail.

CHAIRMAN WHITE: Any other additions? I have one. We need to elect a vice chair, so we'll add that under other business, also. Bill.

MR. WILLIAM A. ADLER: Mr. Chairman, I

don't know that it's appropriate for an addition to your agenda, but I would like to bring up a discussion about a committee in regards to the transferable trap department, and should I just bring that up at that time? Carrie is saying yes.

### **Approval of December Proceedings**

CHAIRMAN WHITE: Yes. I need approval of the proceedings from December. Are there any additions, deletions or corrections?

MR. LAPOINTE: Move approval.

MR. ADLER: Second.

### **Public Comment**

CHAIRMAN WHITE: Any objections? I have the minutes approved. We'll now go public comment. This doesn't defer us from public comment later on in the agenda also, but I'd like to hear if there are people that have public -- I know there is one. John, if you would just state your name.

MR. JOHN GERMAN: Okay, my name is John German. I'm an Area 6 fisherman, New York. I'm also president of the Long Island Sound Lobstermen's Association. I'm here on a problem that has arisen in our area.

The problem has been around for quite a while, but just recently it has come to a head more, and I've got my little spiel written down here. It says for the last couple of years, we have all listened to trap transfer plans. We've even had a workshop here in Washington about it. The last few board meetings we have heard and voted on trap or tag transfers in Areas 2 and 3.

Massachusetts has proposed to cut tags and be fair in the process and figure out who gets what. Here in New York, we have a different approach of doing this tag transfer. The people in charge have decided that anyone with a license can fish anybody else's tags with their permission.

People who have sold tags back to the state can now fish tags for somebody else as long as they have a license, which many do. People who have never had tags but have a license can fish

anyone's tags.

There is no conservation tax, no trap reduction. Latent effort is put to work; and best of all, there is no government paperwork. If I want to fish another 1,000 pots, I can find someone who is not fishing, latent effort, of which there is plenty, and fish those tags.

No one needs to get out of the business if someone else can run your tags. As a matter of fact, I may get someone to run my own tags. My deckhand has sold his tags but still has his license. I will go gillnetting and put more pressure on another stock of fish, double my effort. If my allocation is reduced, no problem. I can fish other latent effort with all this with the blessing of my state. For this reason, even though the ASMFC has said this scenario is fine, I request that New York be declared out of compliance, for they may not have violated the letter of the law, but they certainly have violated the spirit of the law, undermining the whole foundation of all the addendums and amendments we have passed. That's all I have to say about it. Thank you very much.

CHAIRMAN WHITE: Thank you, John, I appreciate your comments. Does anybody from the state of New York want to respond? Gordon.

MR. GORDON C. COLVIN: Sure, thank you, Mr. Chairman. Actually, John has put his finger on a real problem that we have, and I agree with his assessment of it. The difficulty surrounds from a provision of the law that allows a license holder to give permission to another license holder to fish his gear.

Historically, the purpose of that was to allow a fisherman who was laid up, sick, had a problem with his boat to make an arrangement with another lobsterman that allowed him to tend his gear, because otherwise he can't without permission.

What has happened is that with kind of the starting up the trap tag programs and the effort management programs that flowed from it, we've now exposed a liability in that law that,

frankly, needs to be fixed. It's going to take legislation to fix it.

I think, perhaps, with the support of the industry and with the support of Senator Johnson, and we'll certainly talk to Brian about this tomorrow, we can come up with something that gets at it, because John is absolutely right.

The way it's working it interferes with the expected effort reductions that have resulted from what has happened with the cap on the trap tags and the buy-back program that we've done and everything else. I couldn't agree with him more.

CHAIRMAN WHITE: Thank you, Gordon. So, John, I guess that should be part of your question, and I guess I'd like to see if we can get some kind of a report on that when we come to our next meeting, to see how you're working with industry. I appreciate it. Bruce.

MR. BRUCE FREEMAN: Gordon, is that a statute or is that a regulation in New York?

MR. COLVIN: It's in the law. And what happened, when John brought the issue up, we asked our counsel's office for a read on it, and their read was that we couldn't prohibit this practice that was developing more and more the way the law is worded. We've got to change it.

CHAIRMAN WHITE: Any other questions? George.

MR. GEORGE DAHL: My name is George Dahl. I'm a lobsterman from New York, Area 6 fisherman. I'd just like to go a little further than what John has brought up. Through this whole process, I have seen things that are developed here and approved by individual states, and there seems to be at times a lack of coordination between this process and the state governments reacting in time.

I know that in New York for a short while we had a moratorium on lobster licenses, and for a month or two months, something like that, that moratorium had expired before it could be renewed. People bought licenses. I believe that happened in Connecticut just recently.

I mean, there's a lot of planning, and this process is going on. I think that it could be somehow better coordinated with these legislative processes so these things don't happen in the future.

We are asked actually to give up some things. There are trap limits. People have given up traps. There are size increases in everything. We give up something and then because of a lack of timely legislation or someone overlooks a little thing in the law, there are people that then can take advantage of that, and we lose whatever we may have gained by these initial sacrifices.

I would just like to see a little bit more coordination between this whole process and the individual state governments. Thank you.

CHAIRMAN WHITE: I appreciate your comments, George. I think it is, as you said, a process. It's not always correct. I think we certainly have made our share of mistakes here, and things have been overlooked on the state basis, too, but it is a process and everybody is trying to make it better.

I know we certainly have had our problems in Maine, but I think Gordon has heard what you've said, and we'll work on it, because what you're referring to is a state issue. It may not happen as fast as you'd like but it will happen. Mark

DR. GIBSON: Well, I am just wondering if there is anything the board can or should do relative to assisting New York in this matter, or if it is purely a matter for them to resolve?

MR. COLVIN: You know, my sense is that this isn't something that we're stuck on. The need for legislation came up fairly recently. We're in a new session. I think we'll be able to address it, particularly since, clearly, this is an occasion where the industry and the executive branch are on the same page.

## **Advisory Panel Report**

CHAIRMAN WHITE: Okay, next agenda item

is advisory panel report. Bob, do you have any comments?

MR. ROBERT BAINES: The advisory panel hasn't met since the last board meeting. We are planning on having a conference call coming up in the near future, but other than that, I don't have anything to report on.

## **Draft Addendum V**

CHAIRMAN WHITE: Well, without further ado, we'll go right into Item 6, Draft Addendum V. Carrie will do an overview of the public comment.

MS. CARRIE D. SELBERG: I'm going to step through Lobster Draft Addendum V and the public comment that we received. The public comment closed last Wednesday. In your briefing materials on the back table was Draft Addendum V and e-mailed out to you last week and on the back table is a summary of the public comment.

Addendum V, as you know, is specific to Area 3. In Addendum IV it established a trap transferability program for Area 3, which was approved last December. Addendum V addresses one out-standing issue within this trap transferability program, which is the overall trap cap and at what level the higher conservation tax is used.

There are two options included in Addendum V. Option 1 was the original option, which was included in the last addendum. It reads a conservation tax of 10 percent will be assessed for each transfer that equates to a purchaser owning up to 2,100 traps. For all transfers where the transfer of trap tags result in a permit exceeding 2,100 traps, those traps over 2,100 will be taxed at 50 percent, up to the total trap cap of 2,600.

Option 2 is an option that was proposed by the Area 3 LCMT after public comment during Addendum IV. This was an option they proposed in response to the public comment that was received during the Addendum IV public comment period.

It reads a conservation tax of 10 percent will be assessed for each transfer that equates to a purchaser owning up to 1,800 traps. For all transfers where the transfer of trap tags results in a permit exceeding 1,800 traps, those traps over 1,800 will be taxed at 50 percent, up to the total trap cap of 2,200.

Written public comment. We received a total of 114 written public comments. We received 14 via e-mail, 78 postcards, 5 letters that were the same letter, and 5 additional letter comments, and 12 comments submitted in writing at public hearings.

The summary. Option 1, they had 95 comments, which supported Option 1 and 19 comments supported Option 2. Public hearings were held in three states: New Hampshire, Massachusetts and Rhode Island.

The public comment that came in in New Hampshire was in support of Option 2. In Massachusetts it was in support of Option 2. In Rhode Island there was support for both Option 1 and 2; however, there was more support at that hearing for Option 1. That concludes my summary of Addendum V and the public comment.

CHAIRMAN WHITE: Thank you, Carrie. I'd like to go on to the Area 3 LCMT recommendations, David Spencer.

MR. DAVID SPENCER: Thank you, Mr. Chairman. David Spencer, Area 3 LCMT chairman. Just to reiterate, the Area 3 LCMT has not met since the last meeting, but I just wanted to clarify what our recommendation was or is.

We met on November 25<sup>th</sup> to discuss and address the comments heard at public hearings for Addendum IV and concerns raised by various board members. We proposed Option 2, after much deliberation, in order to respond to these various concerns.

Option 2 is the lower number, the 2,200 number. The LCMT vote was overwhelmingly in favor of

Option 2 with just one dissenting vote. We felt very strongly about this option. I would be happy to answer any questions at this time.

CHAIRMAN WHITE: Does anybody have any questions for Mr. Spencer? Thank you, Dave. To speed this along, I'd like to ask for a motion specific to one or the other of the options. Does anybody have a motion? Mark.

DR. GIBSON: Yes, I move that the Lobster Management Board endorse Option 2, the 2,200 cap number. I don't have that written down.

MR. JOHN I. NELSON: Second.

CHAIRMAN WHITE: Second, John Nelson. Motion has been made in support of Option 2. I will open it up for comments. Mark.

DR. GIBSON: The first question is for the technical committee chair. Is there a technical basis to differentiate between these two endpoints in terms of the ultimate trap cap? I mean, are we talking about any kind of meaningful difference in the overall number of traps that will be fished? What is the technical committee's view on this?

MR. ROBERT GLENN: My understanding of the way the Area 3 plan works is that there would be no technical basis for a difference between the 2,600 and the 2,200. They work within a finite number of traps as defined by their plan.

It's just that maximum cap number is a number that fishermen could build up to, but it doesn't tie in to their initial allocation, so they would be working within the same number of total traps within the area, so that I wouldn't see any technical basis to supporting either. It seems to be an allocation issue.

CHAIRMAN WHITE: Thank you, Bob. George.

MR. LAPOINTE: My question was the same, Mr. Chairman. Thank you.

CHAIRMAN WHITE: Other questions and

comments? Anyone from the audience? Yes, sir.

MR. MARK MCSALLY: Thank you, Mr. Chairman. My name is Mark McSally. I'm an attorney from Narragansett, Rhode Island. I represent the Campanale family and the Handrigan family. Combined between them, they own and operate six offshore lobster boats that fish exclusively in Area 3.

I appeared before you in December on this same issue. Not to belabor the point, but just to raise a couple of issues, Mark asked the question whether there was any real basis for the difference, and I think the answer is that there really isn't. That's the same point I raised before.

There is no conservation benefit, and there is no scientific basis to support the change from 2,600 to 2,200 as the cap. Area 3 operates now on an historic-based participation plan. The allocations are in the process of being finalized by the National Marine Fisheries Service. Once they are finalized, that is the number of traps that can be fished in the area.

This plan, the transferability plan, whether it's 2,600 or 2,200 as the upper limit, doesn't increase or decrease the number of traps that can be fished. The only decrease comes about through the conservation tax that both plans have.

The other issue that was just raised is whether it's an allocation issue, and I think it is, which is going to give rise to questions as to whether it meets the appropriate standards. What is clear is that if you go to the 2,200 limit, what you effectively do is preclude vessels that have historically fished much higher numbers of traps from ever increasing again.

What has happened is the six vessels I represent will all probably qualify for some of the highest allocations that are given in Area 3, and they will be effectively precluded from increasing the number of traps they can acquire though a transferability plan if 2,200 is the number.

Just one brief example, then I'll be done, before 1998 there was no limit on the number of traps that a vessel could fish in Area 3. As of 1999 that limit went to 1,800, and now there are historic participation limits that have different levels.

So a vessel that fished 3,200 traps or more before -- and that's the highest number on the current plan — initially was dropped down to 1,800 traps. Eventually, when the plan is fully implemented by 2006, they are going to be down to 2,267 traps.

That's the maximum they can fish. So what has happened is they have suffered a 29 percent reduction, lost approximately 1,000 traps from what they can fish, and have no ability to increase through transferability.

Contrast that to a vessel that has fished 1,800 traps historically all throughout their history. That vessel has lost no traps in its allocation. As the historic-based participation plan goes into effect, it will have, by the year 2006, the ability to fish approximately 1,500 traps, so it only suffers a 17 percent reduction.

They can add another 700 to their number of traps through the transferability so they can increase their operations. They're not limited such as the higher-end vessels are. So in effect, what has happened is the trap reduction falls primarily upon the higher-end vessels.

They're the ones that feel the greatest impact from it, but they get no benefit from transferability if you limit it to 2,200, and for that reason we don't think it's an equitable solution. I'd be happy to answer any questions.

CHAIRMAN WHITE: Any questions from the board? Dennis.

MR. DENNIS ABBOTT: Thank you, a question for Mr. McSally. You commented that you would never again have a chance to increase your numbers, but wouldn't you agree that a board at a later date would have the opportunity to not increase the numbers. It could be brought before the board next year or the year after to go

to any number above if this plan proves to be successful.

MR. MCSALLY: I would agree with that comment that amendments could be made. My comment was directed to what the plan is right now if, in fact, it is 2,200.

CHAIRMAN WHITE: No further questions? Bonnie.

MS. BONNIE SPINAZZOLA: Bonnie Spinazzola, Atlantic Offshore Lobstermen's Association. As I wrote in my comments, everyone knows that the AOL does support the lower number of traps or the lower trap cap.

As Mark McSally said, biologically, there may not be a difference with the resource for the number of traps in the resource because they are allocated; however, the industry believes that there is a social issue with this as well as a biological issue.

There are a number of issues such as the competition and inequities and things such as that, when you have a larger number of traps, that perhaps a lot of the industry won't be able to afford to buy up to, so, therefore, what they wanted to do was since the fishery was going down in traps and reducing traps, they felt that to increase traps, perhaps put it in a position where industry members couldn't afford to get to that point; they wanted to keep it at a level amount, actually higher than the fishery was going at the end.

They will be able to increase traps in some situations, actually in all situations at the end of the reduction period. However, theoretically, also, as far as the greater -- we believe that the greater reductions will come with the 2,200 trap limit, because they will be kicking in the 50 percent reduction at the 1,800 traps rather than at 2,200 traps.

Further, we believe more people will want to transfer and be able to transfer, because they can get to that higher number rather than going all the way up to 2,600. It would just increase interest in the transferability and therefore

reduce more traps. Questions?

CHAIRMAN WHITE: Thank you, Bonnie. Does anyone have any questions? Gerry.

MR. GERALD CARVALHO: Yes, thank you, Mr. Chairman. My question is for Joe. Has anything changed in law enforcement that would make enforcement of these numbers, one number versus the other number, out in Area 3? Has anything changed, anything different that makes it more enforceable?

COLONEL JOSEPH FESSENDEN: Actually, I was going to comment about the concern enforcement has about the trap limit out in Area 3. Presently, there's little or no trap tag enforcement in Area 3, other than the transfer of traps from shore to the fishing grounds.

There's no ability out there to haul gear and inspect gear like we have in the state waters. Law enforcement has serious concerns about this. We really need to deal with that issue as far as enforcement out in Area 3, so nothing has changed, Gerry, to answer your question.

We have serious concerns from law enforcement of the ability to enforce the trap tag system out there in Area 3 without having some equipment to do it.

CHAIRMAN WHITE: I think Gerry brings up a good point. It's not to this point right now, because we have to vote on this, but I think it's something that we ought to consider later. But before we lose Bonnie, does anybody have any questions specifically for Bonnie? Okay, Bill.

MR. ADLER: Bonnie, the way this thing works is if people want to get up to 2,200, does that 50 percent tax thing sort of kick in on them so they have to give up some traps before they can make it to 2,200? Is that how it works?

MS. SPINAZZOLA: Yes. When they get to 1,800 -- if the person purchasing the traps gets to 1,800, anything above that, they have to buy 50 percent greater traps. They lose 50 percent. That's their conservation tax.

MR. ADLER: Okay, and yet the larger operations that have to come down to 2,200 --

MS. SPINAZZOLA: No one will have to come down to 2,200. At the end of the sliding scale trap reduction period, the highest allocation, I believe, is something like 2,046, so everyone is under 2,200 traps when the trap reduction ends.

The trap caps that we're putting in are either -- you can go from 2,046 up to 2,200 or 2,046 up to 2,600. It's the transferability number. It's the trap cap, but everyone at the end of the sliding scale trap reduction will be able to go up, will be able to participate in transferability to get to 2,200.

MR. ADLER: So the people or the operations that are trying to get up to 2,200, that are below it considerably --

MS. SPINAZZOLA: Everyone will be below it, but, yes.

MR. ADLER: But some will be further below it.

MS. SPINAZZOLA: Correct.

MR. ADLER: It will cost them more to get to the 2,200 because of the tax than people that are closer to 2,200?

MS. SPINAZZOLA: No, because no one is taxed until they get to 1,800; so when they get to 1,800, that's when the 50 percent kicks in. In other words, from 1,800 to 2,200 there is a 50 percent tax in Option 2. I don't think that anyone is going to be taxed any more, because it's that amount between 1,800 and 2,200. So when someone gets to 1,800 and they want to go to 2,200, that's where the 50 percent tax kicks in, if I'm understanding you right, Bill.

CHAIRMAN WHITE: Thank you, Bonnie. Seeing no other questions, back to the board for a minute. George.

MR. LAPOINTE: I'm glad Bob Glenn answered the question Mark asked about the relative conservation benefits of the two,

because it does make it an issue of the social part of the fishery. I'm in a bit of a quandary.

First of all, the idea that we go into a transferability program and then we argue the relative merits of the competitiveness of two different caps seems to be a contradictory argument to me, because the idea of transferability is about competitiveness.

So if you want to level the playing field, you do away with transferability, and we have already approved that so that's just a bit of the quandary.

Because it is about -- again, it's a social issue and it doesn't have -- if 2,200 had a great conservation benefit over 2,600, it would be easy to ignore the roughly four to one, three to one votes in support of 2,600, so I'm troubled by this and leaning towards voting against the motion just because of the dominance of the public evidence at this point -- public comment, not public evidence, I apologize.

CHAIRMAN WHITE: Ritchie.

MR. G. RITCHIE WHITE: Thank you, Mr. Chairman. Bob, I don't understand why there isn't a conservation savings on this. If the fleet can all have 2,600 traps max or 2,200 traps, why isn't the 400 traps per boat savings? I mean, why doesn't that equal a conservation savings?

MR. GLENN: I'll attempt to answer your question, but I'll also invite, if it's okay with Pat, for Dave Spencer to jump in at any time since he is much closer with the implements of the plan.

The difference is the way Area 3 designed their plan was they had an initial allocation period. During that allocation period, they set the total number of allowable traps in the Area 3 fishery.

That's a finite number that can never be exceeded. It can only go down from there through their conservation tax. Within those guidelines, then, it doesn't really -- it's only an allocation issue for someone who would want to go up to 2,600 because they would be taking traps from the already finite pool of traps. They'd have to get traps. As they said, the

maximum number allocated to any individual was 2,046, I believe. For them to get up to the 2,600, they'd have to buy transferable traps from someone who is already in the fishery from that finite pool.

So whether they can buy up to 2,200 or 2,600 is really anecdotal relative to the whole scale of the fishery, because the whole scale of the fishery will stay the same.

CHAIRMAN WHITE: Dave, do you want to add to that?

MR. SPENCER: Thank you, Mr. Chairman, David Spencer, and I'd like to speak as an individual Area 3 fisherman. I think a couple of things. This is a social decision, and I believe Area 3 is at a point in time where we need to look into the future and see what we want our fishery to look like down the road.

It was very clear at the LCMT level in the public hearings that people wanted to see a fishery with less traps. I think it's also important -- I would just like you to know this is not a big boat versus little boat issue.

As an individual I will qualify for an allocation well above 2,200, and I fully support the 2,200 number. Personally, in the future, I would like to see that number even lower as management measures kick in, as our resource becomes better.

I think when we look at the stock in another six, eight, ten years, things may be very different. If we have done our job, I want to see the numbers come down potentially. I also think it's a common sense matter.

We are approaching 40-plus percent trap reduction. It does not make sense to me to leave the highest number at our highest allocation level. We reduce the overall trap numbers by over 40 percent, yet leave that highest number. I think there needs to be a balance, and that's what we tried to achieve. Thank you.

CHAIRMAN WHITE: Thank you. Roy, I will get to you, but I've got to finish back here with

the board, and then I'll get back to you. George, you were next, I think.

MR. LAPOINTE: A follow up to Ritchie's comment to Bob. Bob, the discussion about the 50 percent conservation tax kicking in at 1,800 versus 2,100, is there -- because we have a finite number of traps and because the tax is higher at a lower trap number, is there something there?

MR. GLENN: There could be something there. It's difficult to gauge because it's hard to speculate the number of individuals in the fishery who would want to go above and beyond whatever those two limits are when the conservation tax kicks in, whether it's 1,800 or 2,100.

By starting the conservation tax at the lower 1,800 limit for Option 2, potentially you would get some increased reduction in the total number of traps in that pool. It's very hard to gauge what that would be.

CHAIRMAN WHITE: Ritchie, you were next and then Dennis. Okay, Dennis.

MR. ABBOTT: Thank you, Mr. Chairman. I guess we have all the dumb guys sitting on this side of the table that don't understand. I include myself. Well, John, you're going to be part of my example. We're all still trying to grasp the conservation savings.

Now, as I look at it, we do have a finite number of traps. If I own a permit for 1,600 traps, John and Ritchie each have a permit for 1,800, and I sell 800 to John and 800 to Ritchie, doesn't that finite number drop down 800, and we have a conservation equivalency of 800 traps? They're each going to be able to fish 400 more, but 800 traps come out of the water.

MR. GLENN: Because of the conservation tax.

MR. ABBOTT: That is a definite savings, is it not?

MR. GLENN: It is a definite savings.

MR. ABBOTT: A significant savings.

MR. GLENN: Yes, but both plans have a conservation tax, it's just a matter of where the limit is. My comment was is you'd have to really look at the distribution of the fishermen out there to know who are up at that upper end and what interest there would be to go above, whether it be 1,800 or 2,100. We don't know that information, and I wouldn't want to speculate what the degree to the conservation would be.

MR. ABBOTT: Wouldn't it, also, if I was the average fisherman fishing 1,600 traps reporting my catch, it would be X number of pounds, and you could quickly reduce that number -- the savings would be half of my previous year's catch, practically speaking.

MR. GLENN: On the latter point, I would disagree with you, because it's not a strong relationship, and it's certainly not a one-to-one relationship between number of traps fished and landings.

I wouldn't necessarily want to take it to that step for conservation-wise. What I would state is, yes, there could be a reduction in the number of traps in Area 3 as a result of the conservation tax.

CHAIRMAN WHITE: George.

MR. LAPOINTE: In thinking of Dennis' example, I think what's missing there is that -- I mean, what he would be agreeing to there is a voluntary reduction of 50 percent of his traps; and under transferability, he could transfer -- I don't remember the numbers -- 400 to Ritchie and 400 to John.

You could then put -- he could either give up the other 800 tags or put them on the open market, and then George, fisherman Number 3, could pick them up, and so it would just shift the traps to another number of people. Other than that, he would -- why? You're shaking your head, no.

CHAIRMAN WHITE: As I understand it, that isn't the example that he gave. The example he was giving was he was selling 800 traps, of which there would be a 50 percent tax on it, if I'm understanding it right.

MR. ABBOTT: That's right.

CHAIRMAN WHITE: I'll go back to the board, and you think about it. Yes, Gil.

MR. POPE: Thank you, Mr. Chairman. I guess this is a question for either Dave or Bonnie or some people from that group, or Mr. McSally. Prior to coming to this board with the choice that we're being asked to make here, basically, not really that scientific and doesn't really do a lot for the resource as far as that 400 pots -- in some people's minds it does; in other people's, it doesn't.

Was there any -- did you try at all to come up with a compromise on, say, 2,400 traps or 2,300 or something in the middle, rather than coming here and putting some social pressures on either the commission or the commissioners to make the choice you're either on my side or not on my side, that kind of thing?

It's kind of how I feel at this particular point in time. I would want to make some kind of decision that I knew that if I were doing it, we were doing some real good. But from what I'm hearing -- the one side says it isn't and the other side says that it is -- I'm extremely torn trying to make a decision, especially when it comes to social matters like this. Thank you.

CHAIRMAN WHITE: Let me just go see if there are any more comments from the board, and then I'll go to the audience.

MR. FREEMAN: This seems, based upon the public hearings, really a Rhode Island issue. I really see very little comments contrary to the suggestion of the LCMT 3 of Option 2. The only concern I see really expressed is from constituents in Rhode Island.

CHAIRMAN WHITE: Speak a little closer to the mike.

MR. FREEMAN: I said it seems to be only an issue of constituents in Rhode Island; is that correct? Carrie, were there any other comments other than from Rhode Island?

MS. SELBERG: I didn't do a breakdown by state, but my initial reading of the comments was the same as yours, that at the public hearing there was support for both options but more for Option 1, and most of the written public comment that came in support of Option 1 did seem to be from Rhode Island.

CHAIRMAN WHITE: Gerry.

MR. CARVALHO: This question is for Bob. Bob, if we took the finite number of traps that are out there in Area 3, and we reduced the total number to 50 percent, is there any science that tells us that we're going to reduce the harvest by 50 percent, or, in fact, could we wind up just catching twice as many lobsters with half as many pots?

MR. GLENN: The answer is, yes, there is evidence to suggest that there would be a conservation benefit to reducing the amount of traps in Area 3 relative to landings, especially in that particular area because of the style of the fishery, the longer soak times, less availability for those fishermen to change their soak times, fish on a shorter soak to get the same number of effective trap hauls out of a smaller amount of gear.

In that case, yes, it would be consistent with what the technical committee had looked at in the past is that we would see that there would be a conservation benefit to that.

CHAIRMAN WHITE: Thanks, Bob. Eric.

MR. SMITH: I was still hung on the whole dilemma there in the example when Bob was trying to answer it, and I saw his answer -- and I'll get to the point on conservation in a minute. The first question he got asked was is there a conservation difference between the two plans, the two options. I heard him say, no, they can't calculate that.

But the underlying answer to the question that Ritchie was asking is there's a conservation value to both of them. Maybe it's a little more with the 2,200 one or not, but to me, all of that kind of gets away from the central question is

the offshore lobster fishery better off if we do what is reasonable to keep the pot number per boat as reasonably as low as possible.

I don't know if there is much difference between 2,200 and 2,600, but I think what we're hearing with the weight of the public comment is the people in the industry, most seem to be that it's more desirable to have the lesser numbers.

Their desirability is probably economics and their fishing strategy and a whole bunch of things like that, which I honestly don't want to get involved in. So, I keep circling back to the same question, are we better off with fewer pots in the water. I still keep leaning, yes, we are.

Now the question is, I keep hearing more debate, and we'll hear more as the audience rises on why that may be a flawed argument, but that's where I am right now is fewer is better as long as you don't go overboard with it.

CHAIRMAN WHITE: John.

MR. NELSON: Thank you, Mr. Chairman. I forget now who had asked -- and maybe it was Bruce that asked about the debate that took place associated with coming up with these numbers.

I would just like to point out from the state of New Hampshire, which has a good number of boats fishing there, that the debate really was that probably a good -- well, I've used that already -- a high percentage of the participants in our fishery actually felt that there should be a lower number than the 2,200.

There was a lot of discussion that took place, not necessarily at the public hearing but prior to that, and that I think then translated to the LCMT going back and revisiting that issue, because a lot of the participants recognized that the 2,600 that was being proposed was too high a number in their minds based on the history of how they were fishing, and they felt that would lead to just a continued exploitation, a high exploitation of that area with ultimately bad results.

So the 2,200, when it came up for the public hearing, was accepted as, okay, we can live with

that number, but they really still felt that it was probably on the high side.

CHAIRMAN WHITE: Anyone else from the board? Paul.

MR. PAUL DIODATI: I'll try to put this in a question to Bob. Bob, it's my perception that there are thresholds here, when you hit 1,800 versus 2,100, where a fisherman or a business is going to start having to pay a tax in order to increase, so it would be my perception that there would be a tendency to push the traps down even further, in other words, perhaps things might get capped at 1,800 just because of the higher costs to move up.

That's the way I've been looking at this. So it's not just a matter of the bigger number and the maximum, but by setting the threshold lower with Option 2, before the tax kicks in, it theoretically should hold people down as well.

I know we haven't done a lot of transfers, and we don't have experience with projecting a fisherman's actions, but is this something that you thought about?

MR. GLENN: Not particularly. It's kind of a difficult question, and because of all the social issues that are involved and the individual choices that a fisherman is going to make as to whether or not it benefits him to undergo the larger conservation tax to obtain those extra traps, this is kind of unique.

We haven't seen this type of a management plan before. We don't have experience with it. I'm not very comfortable really predicting what the outcome would be overall, because I really can't predict the variables relative to what kind of business decisions people are going to make. So at this point, it's pretty hard for me to comment on the conservation merits between Option 1 and Option 2.

CHAIRMAN WHITE: Anybody else? Okay, Roy.

MR. ROY CAMPANALE: Hi, my name is Roy Campanale. My family owns four offshore

boats out of Point Judith. I'm here representing also a few other boats out of Point Judith, larger vessels that fish more gear.

I certainly hope after I speak this time somebody will ask me a question, because, obviously, when I spoke in November, nobody asked me a question, but now everybody is coming up with questions, questions that I wish were directed to me, because I'd like to be able to answer a few of them.

I have no prepared speech here today. I was hoping I wasn't even going to be able to have to speak. I read the public comment of both in November and now that the views for the 2,600 cap prevails. I don't know, maybe somebody else's numbers look different, but that's the end results that I get out of both public comment periods.

The first thing I'd like to say is for the people in New Hampshire, who discussed how many traps they'd like to fish, I would certainly hope that the question was put to them how many traps do they fish, how many traps do they traditionally fish, because I would bet my life on it, the majority, far more than a majority will raise their hand and say they don't come anywhere near 2,200 traps yet, so 2,200 sounds like a very fair figure to me.

I would say 90 percent of them out of New Hampshire do not fish 2,200 traps, so this doesn't even affect them. When they take and say 2,200 sounds fine, let the other guy worry about it. Rhode Island traditionally fishes more gear. I'm starting to discuss things that we talked about 12 years ago, how we got the history-based plan put into effect.

We fish a lot more gear. We fish normally on the edge. We have larger boats. Half the boats that fish out of New Hampshire or other ports can be put on the decks of our boats. We fish in a totally different climate, depths.

A lot of the guys out of New Hampshire, a lot of guys out of Massachusetts who fish Georges, other places, they fish a lot less gear, but they fish the maximum that they can fish with their

size boats in the type of fishery that they're in, the tides that they're working. They normally handset every single trawl.

When we turn around, we're going to set our trawl in, it takes a matter of a couple minutes, 1,800 rpms. That's it, the 50-pot trawl is off the deck and you're off to the next one. It's a totally different fishery.

Now there are those out of Rhode Island, they're willing to take and give up the amount of traps that they used to fish. That's their prerogative. For us to still be a viable business the way that we run our business, we need a larger number of traps, as we traditionally always have fished.

Most of our boats have fished 3,250 traps. David got up here and spoke about how everybody is giving up so much. Well, I just want to remind everybody, he says 40 percent. Well, remember the majority of that 40 percent come off of people who have already gone down from 3,200 traps down.

Some of our boats have fished two crews 24 hours a day, 300 days a year, nearly 6,000 traps. We've given up a lot already. And you talk about social issues, yes, it is.

If you want to keep the social economics the same as it is now, you'll pass what the LCMTs originally came up with, not what the LCMTs came up with half-way through a public comment period during the first round in November, and then they got a little bit of pressure from people on the board and they end up coming up with something else.

And that's their prerogative, I guess, to change their mind, too. I'm just telling you where we came from and how we got here. I'll read a couple paragraphs from my previous letter. It has already been established that under history-based trap plan that there are large differences in fishing practices, vessels operations.

To continue to penalize those with the largest trap allocations to try to rebuild the resource is simply wrong and only disrupts the socio-economics of the industry. Again, the majority of the people who weigh in they want 2,200

trap cap, when you put a 2,200 trap cap on, it doesn't even affect them.

Do you realize until the history-based trap plan gets into effect, when we went down to 1,800 traps, most people aren't even affected by that? Somebody mentioned something about if somebody sold 800 traps to two other people that had 1,800 traps and there was going to be a 50 percent benefit, all I want to do is participate in that benefit to the resource.

Let me build my traps that I would purchase from 2,200 back up to 2,600 when I started off at 6,000, it doesn't matter? It means the same thing to the industry reduction in effort if I went from 2,200 to 2,600, then somebody went from 1,800 to 2,200.

It would mean a lot more if I purchased them, then that person went from 1,200 that's never even had 2,000 traps out, but yet can build his business up to 2,200 traps. All I want to do is have some point of sustainability.

I've also mentioned in the past, if anybody read the public comments, I'd be very willing to support an 1,800 trap tax starting at 1,800 at 50 percent, but continue it up through 2,600, so that those of us who have the larger vessels out of Point Judith who traditionally fish different grounds, different types of boats, fish different depths can continue to do what we are.

Once again, it's a social issue. It has no bearing on the resource, whatsoever, if you let the amount of traps go to 2,600 versus 2,200. We're here to regulate the resource, not to allow other fishermen to dictate somebody else who is running their business legally to say, hey, no, listen, we're putting in regulations now so we want to rescope the entire industry.

By the way, I only have 1,200 traps, but, Mr. Campanale, you got too big or Mr. Handigan, you've got too many boats; I think this is a good way to now reshape the entire industry. Let's have a cap of 2,600, but, by the way, that doesn't benefit the resource at all, but we'd just like to take and make sure that you stay in check.

The last time I knew, that wasn't the way the U.S. was run, maybe in Russia or some other socialist country but not here. I wish somebody will ask me some questions. Thank you.

CHAIRMAN WHITE: Anybody have any questions? Yes.

MR. POPE: I'll ask the same one that I asked earlier which was were there some type of discussions at all about, say, 2,400 if one group was strongly in favor of 2,200 and another group strongly in favor of 2,600, that there was that compromise; was there any discussion of that at all?

MR. CAMPANALE: There were plenty of discussions. Most of our discussions, you probably are aware, take place at the Atlantic Offshore meetings. Most of us who are LCMT members are also part of Atlantic Offshore.

We sit down at the table, and they normally call it "Roy bashing" because I'm the largest one. We beat the hell out of one another, come up with some sort of agreement that we can all live with.

I want 3,250 traps; somebody else at 1,200. Now I want everybody to run 1,800. A guy at 1,800 says, hey, that sounds good to me. Eighteen hundred, that's all I run, let's everybody run 1,800; that's about in the middle of the ground.

Whoa! So we beat the shit out of one another, then we come up with an agreement. The agreement was the first LCMT plan that you were submitted. Then half way through public comment, all of a sudden a panic vote took place and it was changed. You asked if we discussed it. We discussed it in great numbers at AOLA meetings, and it was changed.

CHAIRMAN WHITE: Thank you, Roy.

MR. CAMPANALE: Any other questions at all?

MR. RUSSELL DIZE: I'd just like to make a comment. Russell Dize from the Mellow

Watermen's Association on the Chesapeake Bay. We've had all these battles over numbers of traps, and we found out when we put numbers on the fishermen, that it hurt the guy with a lot of traps, but the people that were under the amount, if you set a limit of 1,200 and people were fishing, say, 500, we found that they would go up to the amount that were allowed before they'd fish less than that.

But once you put a number, the fishermen would go up to that number. It would make them -- it would give them incentive to go to that number. We found out it didn't work very well with us. We still have trap numbers, but it hasn't worked for the fishermen.

We haven't cut any traps out of the bay, because people that were lower have fished more traps. I think you'll find that's what it will be in your fishery, also.

MR. CAMPANALE: We have seen that already. When they put in the 1,800, that was a default measure, you've seen a lot of people increase up to the max or increase a lot. Now that history-based plan is going back into effect, they're saying, well, geez, what's going on?

Everybody who has been in the process understands what is going on. The 1,800 was the default measure until the history-based plan, which took four years to get put into place, is now being implemented as we speak.

I do want to say one other thing, that if we do take and allow people to go from 2,200 to 2,600, there is a benefit to that. Somebody who would take and, say, go from 1,400 to 1,800, they pay a 10 percent tax, I'd be paying a 50 percent tax.

If that's not a benefit to the resource, somebody else is calculating different than I am. There would be less pots in the water, less entanglements with whales, less mobile gear problems, so there's benefits to also letting us go out to 2,600 besides allowing us to keep the same status we always have had and run our business the way we see. Thank you.

CHAIRMAN WHITE: Roy, do you want to

come back up.

MR. ABBOTT: Yes, thank you, Mr. Chairman. I know Roy is looking for questions so I'll indulge him a little bit. One of your earlier comments you said that this was like a communist action, weren't you part of the democratic action that was part of this final result of a compromise of 2,200 traps?

MR. CAMPANALE: I was part of the original one which came to the point where it was at 2,100 to 2,600, yes, I was. I'm going to answer your question in a round-about way because half way through the process in November, there was an emergency meeting called, LCMT meeting. The public comment period was over.

The written comment period was not over. We had a meeting. Yes, I was part of that. The meeting was called because of certain people were at the public comment meetings and seeing that there was a lot of people who did not care for the higher trap number.

I say it's a communist state in the way that aren't we here to rebuild the resource? Now, why pass laws that have nothing to do with rebuilding the resource? If at 2,600 there is no effort gained by going to 2,600, why do we have to pass it?

MR. ABBOTT: Yes, thank you. If I may, a second question, and I do appreciate your problem. I know if you had large fishing boats with large numbers, that it hurts you to reduce the numbers, and I fully appreciate and understand that. But the second question I would have for my own benefit is if we did not have this addendum before us, where would your numbers be for your boats now and in the future?

MR. CAMPANALE: I'm in full agreement that we need regulations, absolutely, positively. I've supported regulations. I've sat there and I've helped them. What would we be without regulations?

MR. ABBOTT: Where are you fishing now? What numbers of traps are you required to be

fishing as we speak now?

MR. CAMPANALE: One of our boats is required to fish 1,800 as we have for the last three years. We have three of our other boats that are required to fish less than 2,600.

MR. ABBOTT: So you would receive possibly some benefit even at the 2,200 mark?

MR. CAMPANALE: No, three of our four boats will be given allocations that at the end they will all be below 2,200. They will be about 2,150. We'll be allowed to buy 49 traps for each boat.

CHAIRMAN WHITE: Bruce.

MR. FREEMAN: Roy, come back up, please. I have two questions. One, there was this issue raised previously of enforcement of traps in offshore areas. I've been informed by a number of our fishermen in New Jersey that fish in Area 3 -- and we only have a handful of people that although there is no on-the-scene enforcement, Area 3 probably has a better recognition of the number of traps that are set by regulations being fished only that large quantities of baits or large numbers of traps that are fished out there would be noted by other fishermen and, therefore, one of the enforcement agencies would be notified.

I'm just curious if in your opinion the number of traps that are set by the plan at the present time are adhered to and whether you in fact you think the great majority if not all of the fishermen comply with the existing trap number?

MR. CAMPANALE: I would say the great majority do comply. I would say that, yes, we do need enforcement. Coast Guard rarely, whether they're overworked or just don't want to bother with it, it would be necessary to actually have a vessel out there. That would be about the only way.

MR. FREEMAN: Okay, and then I have one other question. Relative to what I seem to gather from conversations and comments by you and others in the industry, that the fewer pots off shore will probably lead to an increased

catch per unit of effort. I mean, that seems to be the underlying theme for restricting the number of pots fished offshore. Is that something you adhere to?

MR. CAMPANALE: Yes. Are you saying the less amount of gear we fish -- repeat it, I'm sorry, Bruce.

MR. FREEMAN: As you decrease the number of traps fished offshore, that eventually will lead to increased catch per unit of effort of the traps being fished. I mean, the whole thrust of why there seems to be agreement offshore is that you can fish unlimited number of traps, you're going to have to fish harder, you're going to have to fish more days, you're going to have to fish more traps to catch a given number of lobster. You reduce those numbers of traps, you'll be able to catch the same number with less effort.

MR. CAMPANALE: As we rebuild the resource, I do believe that. If you were to tell me today I'm going to take half my traps in and I'm going to catch the same amount of lobsters, I'd say no because I'll tell you the reason why.

When we're running one crew, for some reason we catch x amount of pots, x amount of lobsters. When we put a second crew out there in the same general area, fish twice as much gear, for some reason we catch twice as many lobsters.

It does work up to a certain point. Where that point is, I wouldn't be able to tell you. But along with the pot reduction, along with gauge increases and other items such as that, vent increases, we have been rebuilding the resource.

I have been a supporter of gauge increases all along, and it probably affects our area, Southern New England, more than any other area. It doesn't affect the guys off New Hampshire or off the Cape.

So we've not only taken gear cuts, we've supported the lobster gauge increases and we will continue to do so. I wouldn't be here today if I didn't look forward to a good industry at some time in the future, but I just don't want to shape that industry by saying, okay, everybody

has to do this.

Why do we all of a sudden have to be boxed up and put in the same package if it doesn't have a benefit to the resource? Let the individual decide how hard he wants to work or how little he wants to work. If it doesn't affect the resource adversely, why pass rules?

I'm telling you that if you would allow us to go up to 2,200, from 2,200 to 2,600, it actually benefits the resource. We participate in retiring gear. Now if you want to start at 1,800, the benefit of the 50 percent tax I'm all for it.

CHAIRMAN WHITE: Does that answer your question, Bruce?

MR. CAMPANALE: But just do not take and allow it to stop at 2,200.

CHAIRMAN WHITE: Does that answer your question, Bruce? Pat.

MR. PATRICK AUGUSTINE: Thank you, Mr. Chairman. I think we've had some excellent testimony from the audience, and they've been very helpful in reaching the decision, and that is to call the question, Mr. Chairman.

CHAIRMAN WHITE: Okay, the question has been called. Do you request a caucus?

(Whereupon, a caucus was held.)

CHAIRMAN WHITE: Are you all set? All those in favor, raise their hand; those opposed; abstentions; null votes. Okay, the motion carries. The next issue is implementation date. Carrie.

MS. SELBERG: In an e-mail to the board, I indicated that in Addendum IV I neglected to ask the board by what date they wanted to implement the Area 3 trap transferability program, and indicated that the board would make that decision in Addendum V, so we need a date in Addendum V by which we would implement the Area 3 measures.

When I asked that question of the board via e-

mail, Harry Mears raised some issues about dates for Area 3 measures because the federal government would be implementing the bulk of that program.

I indicated that I thought that was an appropriate discussion for the board to have at the next meeting, which is this meeting. So, staff is looking for a discussion of the board about a date to put in to implement the Area 3 trap transferability program.

Staff has recommended June 1<sup>st</sup> of 2005, which is the same date as the Area 2 trap transferability program is to be implemented, so that those two programs would be happening at the same time.

CHAIRMAN WHITE: Okay, we'll go around with the board first and then address it. Go ahead, Bill.

MR. ADLER: Thank you, Mr. Chairman. I didn't know if this was the place, because of the implementation date, whether if you set the implementation date at whatever it is, June 1<sup>st</sup> or whatever, if it's appropriate to set it before this other idea which was brought to me as something that we should consider, and that is to establish a committee consisting of lobster administrators and perhaps industry advisors --

MS. SELBERG: Bill, the agenda item implementation of transferability programs is just to discuss that very issue, the agenda item right after this.

MR. ADLER: Oh, okay, so this should come after a date. All right.

CHAIRMAN WHITE: To this issue, is there any other board discussion?

MR. LAPOINTE: Have we done -- did I jump the gun?

CHAIRMAN WHITE: No, you're good.

MR. LAPOINTE: It strikes me, I mean, putting in an implementation date is the thing we need to do because there is a state-side component to this under the most restrictive.

Do we have any information from other areas that have put in transferability programs to know what's a logical period of time? I mean, otherwise I'm going to -- you know, Jean Dixon died a couple years ago so I can't go to an astrologer. I don't know what's logical.

CHAIRMAN WHITE: I think at this point the intent was to make it consistent with the other ones, realizing that it is going to be a problem with National Marine Fisheries Service. It's easy for us to do it in state waters, but it's going to be an issue with the federal waters. I don't know of a history that we can base this on. Paul.

MR. DIODATI: Well, we're developing some experience with the Outer Cape Cod Transferability Program. I'd suggest 2015 (laughter) as an appropriate date.

MR. LAPOINTE: An optimistic man.

MR. DIODATI: Just kidding.

CHAIRMAN WHITE: That will be our second option. Harry.

MR. MEARS: Thank you, Mr. Chairman. The comment made by Mr. Adler is very well taken. It's hard to separate this issue, identifying an implementation date versus what might be identified, from my opinion what absolutely needs to be identified through some focused attention to how inter-transferable trap allocations will be administered over time, both in the short-term and longer-term, between state jurisdiction and what ultimately will be identified as a recommendation from this commission for implementation in the EEZ.

But there is some dialogue here that makes it very difficult to look at an implementation date other than perhaps rhetorically, certainly for Area 3. For Area 2 perhaps and maybe for Outer Cape it could have a different slant to it since it's very much a state water fishery, as well as a federal fishery, but just to indicate the discomfort I feel and that I tried to articulate to Carrie when she distributed the e-mail pertaining to this issue. Thank you.

CHAIRMAN WHITE: I guess I'm missing something because I just don't understand how we can move forward with this action without an implementation date. The only one on the floor, as I see it now, would be the June 1<sup>st</sup>, 2005, recognizing that there is a problem with where we go with National Marine Fisheries Service.

MR. AUGUSTINE: I recommend we go for an implementation date of June 1, 2005. Thank you.

CHAIRMAN WHITE: Is there a second?

MR. NELSON: Second.

CHAIRMAN WHITE: Second by John Nelson.

MR. ADLER: Certainly, no problem with this. Harry brought up a good point. It's just that is this something that it's down the road and we have a discussion and this needs to be changed, can we change it? I mean, if we at least set a goal of this date and as long as it's not poured in concrete, if it is determined there needs to be a change, if it can be done, fine.

CHAIRMAN WHITE: I think the answer to your question, Bill, is, yes, but it would have to be through an addendum process. It isn't something that could be done overnight; am I correct?

MR. AUGUSTINE: Call the question.

CHAIRMAN WHITE: The question has been called. Do we need to caucus on this? Does anybody else need to caucus on this? All right, we'll go ahead with the vote. A show of hands, all those in favor; all those opposed; abstentions; null votes. The motion carries. Paul, go ahead.

MR. DIODATI: Just a clarification, please. Did this vote include Outer Cape Cod, because it says Outer Cape Cod on the Number 8 agenda item?

MS. SELBERG: No, this was an implementation date for the Area 3 trap transferability program included in Addendum IV and Addendum V. Agenda Item 8 we

haven't gotten to yet. When we get there, I will talk a little bit more about why that's on the agenda and what it involves.

MR. DIODATI: It might be helpful to have it in the motion. I know we already voted on it but it would --

MS. SELBERG: Addendum V is specific to Area 3.

MR. DIODATI: Okay, good enough.

MS. SELBERG: We can add clarification, if the board chooses.

CHAIRMAN WHITE: All right, Bob.

### **Technical Committee Report**

MR. GLENN: Okay, the next item on the agenda is the TC report. What I have here today to go over, there was a handout on the back table, is the draft terms of reference that the combination of the technical committee along with input from ASMFC staff and the Lobster Board came up with.

Everyone has had their chance to add input to it. The revised version of that is here today to present to you, and we have anticipated action on this today? Yes, there is anticipated action so that if this is approved today, these will be the terms of reference that the technical committee will use to execute the 2004 stock assessment.

What I'm going to do now is just go through each one, one by one, and if there are any questions, I'd be happy to answer them. The first one is compile data needed for stock assessment purposes, including commercial, recreational and discards, updating the database to include the most recent information available.

Two, evaluate and revise, if necessary, the boundaries of the stock assessment areas as outlined in the last peer-reviewed assessment based on objective criteria. Three, for each stock assessment area, estimate the current levels and historical trends of factors such as egg production, biomass abundance and natural and fishing mortality rates, characterize uncertainty

in estimates.

Four, address and incorporate, as applicable, the recommendations from the 2000 American Lobster Peer Review. Five is to use -- note on five what you see up on the screen is different than what you have in the handout.

There has been a slight revision to it, and I'll read the revision: use new models and input parameter estimates developed as appropriate, as well as any input parameter estimates and models used in the last stock assessment.

This is just a change in the reversing of the order with an emphasis on to use new models and input parameters from a suggestion from Commissioner Smith, so that was just switched around to put the emphasis on new models and parameter estimates.

Six is to update the current biological reference point, F10 percent, and develop additional biological reference points, including limits, thresholds, and targets for F and biomass, if feasible, characterize uncertainty in stock status. And, finally, is to identify research recommendations to improve future assessments.

CHAIRMAN WHITE: Thank you, Bob. Any questions of Bob? George.

MR. LAPOINTE: Carl Wilson, my technical committee member, had some comments, and I just want to bounce these off Bob because I think a number of his questions fit within the broader categories.

Under Number 2, evaluate and revise if necessary the boundaries, there was a recommendation or a comment to investigate the implication of changing stock boundaries, especially with regard to assumptions of stock exchange between areas. That's something you can do. I mean, that's a more narrow focus but it strikes me that's something that can be accommodated within the broader item of Number 2?

MR. GLENN: Yes, I anticipate that's something

that would fall under Number 2. Whether or not the board is interested in being more specific on that, you know, I'd leave it up to the board.

MR. LAPOINTE: If I might, Mr. Chairman. Under Number 3 the recommendation was exploring the utility of settlement surveys as an index of future landings. I'm just going to run through these and then we can address them as necessary.

And then under Number 5, about input parameters, it's investigating changes in natural mortality over the time series covered by the assessment. Again, I see those as things that could be accommodated within the seven things that Bob identified, but I just want to be sure about that.

CHAIRMAN WHITE: Is that it?

MR. LAPOINTE: That's it.

CHAIRMAN WHITE: Do you want to respond, Bob?

MR. GLENN: Yes, again, George, I would respond by saying I think what you mentioned would be covered. The settlement indices are less explicit in, say, Number 3 because we don't really necessarily point out to look into recruitment issues, and that may be something we want to add to Number 3, include the language relative to recruitment.

Relative to Number 5, looking at natural mortality, that's one of the input parameters in all the models, and that's been something we've been working on, had a lot of discussions about already during the assessment process, and I anticipate that's something that will be included in all of the uncertainty estimates as well.

CHAIRMAN WHITE: Thank you, Bob. Any other questions? Yes, Bruce.

MR. FREEMAN: From the technical standpoint I'm just curious, Bob, on Number 2, the need to if necessary change the boundaries. Is there any indication that the existing boundaries for stock assessment are not the proper ones, or is that essentially a placeholder that you may find the

need to change those?

MR. GLENN: Yes, during the last assessment, there was quite a bit of discussion about the need to investigate looking into redefining our stock assessment boundaries. Currently there are three stocks, the Gulf of Maine, Georges Bank and south, and Southern New England.

Gulf of Maine is pretty self-explanatory as to where the boundaries are. Southern New England includes Long Island Sound, Narragansett Bay, Buzzard's Bay through Vineyard Sound and all the way to Nantucket inshore waters.

And then it's the Georges Bank and south stock unit that the technical committee in the past has had issues with, and they currently do as well, as did the peer review. It's a very large area that includes everything from south of the Gulf of Maine offshore out in Georges Bank and everything south of that, including inshore waters from the south side of Long Island Sound down to the extent of the range of lobster.

It's the adding of all those other areas that is of biggest concern, largely because of the differing biological parameters exhibited across that range. We see very large differences in growth rates, maturity rates, size distributions of lobsters that occur on the Georges Bank portion as compared to those, say, down off of New Jersey or south of Long Island.

As a result we feel that there is a need to reinvestigate those and to try to make sure we're making the appropriate distinctions between those stocks.

MR. FREEMAN: If I may just follow up, then I'm assuming to break out other areas really is dependent upon the sufficient information to run your stock assessments, and that's the reason for Number 1; is that correct?

CHAIRMAN WHITE: I think the nod means yes.

MR. GLENN: Yes. No, I believe there is sufficient information. I think it's something

that during the last assessment we would likely have tackled the issue had not we run out of time.

CHAIRMAN WHITE: Any other questions? John and then Harry.

MR. NELSON: Thank you. With the emphasis on using any new models developed as appropriate, I guess the "developed as appropriate" means that or does it mean that you're anticipating that they would have gone through a peer-review process?

MR. GLENN: Yes, actually, I guess I'll respond by turning it over to Carrie. It makes a good segue into a discussion about peer-reviewed models that we have planned.

MS. SELBERG: I was going to talk about this under reviewing the time line. The technical committee had requested a meeting towards the end of 2003 to get some feedback on the models that they are exploring before they run the stock assessment rather than waiting all the way for the peer review of the entire assessment to get feedback on those models.

So, we've been working with the technical committee chair, the modeling subcommittee chair, and some ASMFC staff to explore a technical review of the models that they're looking at. We are getting much closer to being able to do that in developing terms of reference for that.

It would be similar to a peer review, but they were calling it a technical review of the models that they're exploring to give the technical committee more information and feedback about the various models so they can make the best decision about model use before they start the assessment.

MR. NELSON: Thank you, Mr. Chairman. Thank you, Carrie. Obviously, the concern that we would have is that if we use a model, whatever we use, we want to make sure that we have validity and confidence in it, not just from the board and the things, but if at all possible having the industry involved in, if I can say it,

the technical -- and maybe it's not appropriate to be in the "technical" review of it, but some participation of industry so that they are familiar with what is being done and how it has been done and why we would consider this new model or couple of models to be valid approaches to estimates. I think that would be very important.

MS. SELBERG: Staff will be very open to suggestions on how best we can do that. If you have specific suggestions on how we can do that, I'm open -- not just now, but in the future if you could communicate with me, I'd really appreciate the best way to do that.

MR. NELSON: I'll set up a subcommittee. George can head it up and we'll take care of that.

CHAIRMAN WHITE: All right, getting back to the original item, are there any more comments on that? Harry, go ahead.

MR. MEARS: Mr. Chairman, at the last board meeting there was some concern expressed at the end of the meeting on the logistics or sequence of events that would lead up to the anticipated stock assessment in December, and also how this would fit in with the evolving change of how stock assessments are conducted by the Northeast Fishery Science Center.

I'd like to recommend two changes to the terms of reference that I think nicely fits in with what Carrie just said in terms of what is on the radar screen concerning development of new models prior to the stock assessment itself.

If we could look at Number 5, I believe it differs from the one that was on the handout, as Bob indicated, but it speaks -- well, I'll wait until it's up there. Okay, the change I'd like to suggest would be to add a couple words, okay, in the following way: "use new models and input parameter estimates that have been reviewed and found appropriate by a peer review".

That's one change I'd like to make. And then it would continue, "as well as any input parameter estimates and models used in the last stock

assessment." I think that change would make it very clear in terms of direction from this board to the technical committee, and I think essentially fits in with what's already being planned.

I do think it's a very important change. One that would build upon that would be in Number 6, which is the following one -- and I have these written down if it would make it easier to incorporate these if this is the sense of the board, but I'd like to recommend a second sentence in Number 6.

Right now it reads, "update the current biological reference point, F10, and develop additional biological reference points including limits, thresholds, and targets for F and biomass, if feasible."

The second sentence I'd like to suggest would read, "These should be reviewed at the same time of the model review and subject to the same appropriate criteria as the model development criteria noted in Number 5."

And essentially this would be a peer review of both any new models that would be brought forward at the time of the stock assessment as well as a peer review of any proposed change in the biological reference points and additional attention given to alternate thresholds and targets.

CHAIRMAN WHITE: We almost had you, Harry, but I think if you could bring it up, we could clarify it up here, if you would, please. Gordon.

MR. COLVIN: You know, without seeing it, just kind of react to what I thought I heard Harry say, it sounded as though, at least with respect to the prospect for development of additional models, revisions to input parameter estimates, biological reference points, and existing and new, we're committing under these recommendations to two peer reviews; is that correct? Is that what I understand?

MS. SELBERG: We're calling the first a technical review of the models and the second the full peer review, but it's very similar.

MR. COLVIN: Can we do that; is there time and money?

MS. SELBERG: We have outlined a time line that allows us to do this --

MR. COLVIN: To do both?

MS. SELBERG: Yes, to do both the technical review and the peer review. It is a very tight time line, and we are exploring funding sources to do that as well. Right now staff dose think this is feasible.

MR. COLVIN: We're exploring funding sources; that sounds like we don't have the money.

CHAIRMAN WHITE: Let's see if Bob can answer it.

MR. BEAL: Well, do you want to formulate more of a question, Gordon, than you've already asked?

MR. COLVIN: Do we or don't we?

MR. BEAL: We're not sure of the expense there will be for the initial technical review. Most likely, it's going to evolve into being more or less the equivalent amount of staff work and funding as a commission external peer review, and we don't have complete funding for that.

We have partial funding and we hope to be able to get the rest of it together. We can probably, within the lobster budget right now, piece something together and maybe with some state help.

But, my concern is more of some of the comments that Harry has made is that initial technical review is no longer just a review of the models. I think the changes that Harry has recommended to reference point Number 6, where they will be reviewing biological reference points and all those, that is a full peer review.

It seems to be different than what we at staff

anyway were anticipating, which was just a review of the technical merits of the different modeling approaches that the modeling subcommittee is putting together. So I'm a little bit confused as to why we would have an initial group review biological reference points and those parts of the assessment, and then also have the SARC or some other group peer review them again at a later date.

MR. COLVIN: Thank you. I wondered about that myself and that was going to be my next question. I think you've already addressed it for me, Bob. You know, I'm concerned about the suggested changes and not because I think that wouldn't be an ideal process. I think it would be.

I'm not sure that all of it is necessary. I'm not sure the change to Term Number 6 is necessary, and I think what the staff has outlined as the proposed process with respect to the development of alternative models is sufficient.

What I will say is that at the end of the day, bottom line, I wouldn't want to see us take action by virtue of how we write the terms of reference that result in not doing these things, that by default, because we can't get it together, we drop models that we're in the process of developing or that we decline to fully address alternative or supplemental biological reference points. I would not want us to go there. That is not what we want the outcome of this assessment to be.

Going back to our last assessment, we put ourselves deliberately on a course of action to develop additional models, to fully consider alternative and supplemental reference points, and anything short of getting that fully addressed in this assessment update will be a failure. I don't want to go there.

CHAIRMAN WHITE: George.

MR. LAPOINTE: My comments are much like Gordon's, the exploration of new models is like the search for the Holy Grail, and we have to continue on that. And by setting up more cumbersome processes in the interim, we are more likely to devolve to the status quo, and I

share Gordon's concern that that will be a failure and don't want to proceed along that path.

MR. MEARS: I think what's happening here is a direct result of the transition in the way stock assessments are being conducted by the Center. These changes were discussed at the last Northeast Regional Coordinating Council meeting. Essentially, business will not be as it used to be in terms of the sequence of events.

The whole definition of what the task of a stock assessment workshop will do is being changed as well as definition of what has historically been called the stock assessment, the SARC, the committee itself.

There is an intended role here for bringing in an objective number of outside reviewers into the stock assessment itself, and the fear here is if too much is brought to the plate during this transition, the very fear that is being expressed is that it's all going to crumble and fall apart if some homework and very clear homework isn't done ahead of time.

What I'd like to suggest because, again, this is a transition which is taking place, for the board perhaps to agree on some very soon consultations, say, between the board or agreed-upon representatives and the Northeast Fishery Science Center to get a common understanding of exactly what these changes are and how it may impact the lobster stock assessment.

Now I think when all is said and done, it's really not much different than what anyone might have anticipated prior to this discussion, other than the timing. As I understand it now, there is very much a reliance or an increased degree of importance upon this sequence of events, call it the homework that needs to be done for the ultimate stock assessment.

A lot of this imminent homework to make the stock assessment successful would focus on determining any new models and also any new parameters that may be identified as thresholds or targets, and packaging that as it needs to be for the December 2004 time frame.

That is still called a stock assessment, but it's not intended to be the type of stock assessment we've known in the past. So, I'm trying not to make it cumbersome. I'm trying not to make it bureaucratic, even though it sounds that way.

What I'm trying to do is identify a strong need to establish this dialogue with the Northeast Fishery Science Center to discuss some well thought out disciplined way of identifying the events that need to occur for the stock assessment to be successful. Thank you.

CHAIRMAN WHITE: Go ahead, Vince.

EXECUTIVE DIRECTOR JOHN V. O'SHEA: Thank you, Mr. Chairman. Perhaps I can help here just a little bit. I think there are two dialogues that are taking place right now with the Northeast Science Center.

The first, as Dr. Mears referred to, is a possible changing of the SAW/SARC process, and there is an ongoing discussion about prototyping those changes this spring for the upcoming assessments.

I've communicated to the state directors already with the outlines of that, and I've promised to Dr. Borman sort of feedback from the state directors whether or not we would be okay in trying out that system this spring on black sea bass, bluefish and the upcoming scallops.

I think scup is going to be off the table because of other problems. So that's one situation that's going on right now. The state directors have yet to buy into that, and I would be reluctant to sort of pre-judge what they're going to say on that. I hope to get that feedback this week.

The second issue is sort of how do the parts of our Lobster Technical Committee fit together. That has also been a subject of ongoing discussions between myself and Dr. Borman and has also been the subject of an e-mail out to the state directors.

Frankly, it is also on our agenda to talk about on the margins of this meeting, to get some feedback as to how the pieces of the modeling group, the stock assessment committee and the

different state scientists that are working on that effort are going to fit together, as well as the concerns that Dr. Borman and some of the scientists at the science center have.

So I guess, prior to Dr. Mears, comments, Mr. Chairman, my sort of thought was that those two processes are in place now that should give us a good opportunity to sort of ask the question, how is it going and what do we need to tweak to keep the lobster stock assessment sort of on track.

But, I think there is a sequence here, and I think, if we follow it, we'd address a lot of the comments that Dr. Mears has raised. I don't know if the other state directors have the same sort of perception of the summary I gave, but that's kind of where I think we're on on those two issues. Thank you, Mr. Chairman.

CHAIRMAN WHITE: No, I think that really helps clarify it because I think in your second iteration, Harry, you seem to say that this was in a transition, and so I think there is room for that.

I'd like to see, then, from this, if we can get a motion from someone that will give us a direction to head. Well, okay, let's focus the discussion on Harry's suggestions as whether they want to be included in these paragraphs. Eric.

MR. SMITH: Thank you. I think the concept of what Harry is getting at, particularly in the upper paragraph, is the correct one. I'm just not so sure the process is the right one.

I think the way these things develop is technical committees develop what they think ought to go into the assessment. They produce the assessment, and then it's peer reviewed. That seems to be the way it has gone in the past.

I don't mind the redundant way of doing it, or the two-step, I should say -- redundant kind of has a bad connotation to some people. The two-step approach I don't mind if we have the time and if we have the money, as was pointed out.

But it seems to me that to develop these things

and then have a peer review before you can decide whether you're going to use them in the assessment, we're never going to get the assessment done.

If you remember in December, we had a vote that affected Area 6 that said we're waiting a year because our intent was that we would get the assessment done this year, and then we would know how to proceed on the infamous "if necessary" issues.

I can't imagine with the way people are busy, that we could do the full development, get a peer review, decide, okay, now we know what we're going to do -- that's why the language in Number 5 was the way it was.

We wanted to have the old as well as the new, so we'd have comparative purposes, and we wouldn't just go off on a new tangent. We would have both to provide to the peer review. So, I'm troubled by the two-step part of this, but I'm not troubled at all by the fundamental part, which is before we really adopt for management purposes a new model or a new input parameter or any new way of doing things, we should make darned sure we're comfortable with it, and a peer review is going to help us do that.

Now, I haven't really wrestled as much with the point in Number 6, but I think I have basically the same comment. I think the technical committee and the stock assessment subcommittee ought to develop these things, and they ought to be peer reviewed in the peer review that we do towards the end of the year. Then we'll have some confidence in the assessment early next year. Thank you.

CHAIRMAN WHITE: Well, I think that's the point, but with it this way, then you'd have to do it. Carrie wants to make a comment.

MS. SELBERG: I just wanted to more fully outline for the board, in discussions with the technical committee, what our plan had been and why it differs from what's up on the board right now. What our plan had been, in talking with the technical committee, was to have this initial technical review of just the models.

The reason for that was the technical committee said we don't feel we have the expertise to fully review these models, and we would really like some feedback prior to the peer review at the end of the year.

So, the system that we were exploring was simply looking at a technical review of the models that they're looking at. That feedback would be provided to the technical committee so that they can make their decision about which model they should use.

Right now, what's up on the board would lead to an initial review of the new models, the input parameters and the biological reference points, and I think that would add some time to the timeline.

Of course, we can always explore new ways of doing things if that's what the board requested. I just want to point out what the original intent of the technical review was, why we were doing it and how this differs; and if we do go this route, it is going to add some time to the schedule.

CHAIRMAN WHITE: Gordon.

MR. COLVIN: Mr. Chairman, I'd like to move that the board adopt the draft terms of reference as presented by the staff and the technical committee without the changes suggested by the National Marine Fisheries Services board representative.

MR. LAPOINTE: Second.

CHAIRMAN WHITE: Seconded by George.

MR. COLVIN: If I can, Mr. Chairman, just briefly, I think I understand and appreciate better the basis of Harry's recommendations based on the discussion. I'm convinced that, based on comments I've heard from Vince and Carrie and Bob, that we're going to conduct an appropriate pre-review of the models.

I think that's probably a matter of greatest concern to the center's director and staff right

now, too. The other stuff, I think we'll sort those things out in the ongoing because they are clearly transitional issues with respect to stock assessment process.

As Vince outlined, we'll be sorting out those transitional issues with the center director and staff on this and other assessment matters in time. I don't think we can complete our assessment with those review processes formalized, in place, as was suggested.

As Eric pointed out, I think it's absolutely essential that we complete the assessment this year, that we not abbreviate it, but that at the same time we not drop out of the assessment because of scheduling problems or funding problems, these critical issues of input parameters, models, reference points and thresholds and targets. Thank you.

CHAIRMAN WHITE: Thank you. George.

MR. LAPOINTE: I'm going to follow on Gordon's comments that I think the discussion was good. We need to advance the technical review of the models. I've talked to staff before. I have not talked to my compatriots in Maine, but Maine has some funding that I would be willing to work towards allocating to the technical review of those models from our lobster license plates research fund.

I would probably need some help with some of our skeptics, but because it is that important, that if we don't put some resources behind this, we're going to never get this done and we'll go for another assessment.

I may have mentioned some specific issues before. I will have our technical committee representative work on just making sure those get discussed as part of the review as well. I'm comfortable with that at this point.

CHAIRMAN WHITE: John, were you raising your hand to contribute money for that, too?

MR. NELSON: If the great state of -- no. But, if I had any, I certainly would. It depends on what Harry provides to us this year for the

lobster funding. I think the points have been made, and I'm not going to reiterate anything.

Gordon has summed it up very well. The discussions we've had here I think, I hope, have given guidance to the review of what we hope can happen for these models to make it as complete as possible, so I will leave it at that, Mr. Chairman.

CHAIRMAN WHITE: Thank you. Bill.

MR. ADLER: I'd like to move the question.

CHAIRMAN WHITE: I had one more comment and then I will do that. Gerry.

MR. CARVALHO: Mr. Chairman, the motion makes reference to Harry's input. I don't know whether the maker of the motion or Harry needs to have that extra language in there. It makes reference as presented to the board and whether we need to include the reference to Harry's comments.

CHAIRMAN WHITE: Okay, final comment from Harry, and then the question is called.

MR. MEARS: That, in fact, was my final comment, that I believe that wording can be dropped and to accept the wording as presently drafted. The comments presented by Vince pretty much address the majority of my concerns.

I do think we have a challenge ahead of us. I think there are some major policy discussions that need to take place to make sure the expectations and where we want to be by December of this calendar year need to take place.

I think that will very heavily be influenced by the feedback from the state directors to Dr. O'Shea's e-mail, and then in turn articulated back to the Northeast Fishery Science Center, but I don't think we can wait until the next board meeting. I think this is a very crucial and very important issue that needs to be addressed very soon. Thank you.

CHAIRMAN WHITE: Gordon, are you comfortable with the change, removing that?

MR. COLVIN: I would be delighted to make that change.

CHAIRMAN WHITE: Is that all right?

MR. LAPOINTE: The seconder agrees.

CHAIRMAN WHITE: Is that all right with the seconder? Okay, the question has been called. Does anyone need to caucus? All those in favor, raise their hand; all those opposed; abstentions; one. The motion passes.

MS. SELBERG: We've already spoken about much of the information I was going to provide to the board about the time line, but I just wanted to reiterate a couple of points.

With the technical committee and the stock assessment subcommittees, I have set up a time line that outlines the responsibilities of each of the committees in two-month blocks from now until the assessment.

That is constantly being revised. They have that information. It's a very detailed plan of action in order to get this stock assessment done. I'm not going to step through the details of that with the board, but I do want to make the point that we have a very, very tight time line.

In order to meet all the deadlines along the way, we need all TC and subcommittee members working on this as much as they possibly can spare their time, because it is an ambitious time line. If we'd like to meet this end-of-the-year deadline for a peer review, we're going to need everybody on board. We hope that they can be.

### **Implementation of Transferability Programs**

CHAIRMAN WHITE: We hope everybody heard that plea. Next item, implementation of transferability program. Carrie.

MS. SELBERG: Addendum IV passed in December and the Massachusetts Outer Cape

Cod conservation equivalency also passed in December. Since that time, I have been getting a lot of phone calls and e-mails from the various jurisdictions as they begin to think about how they're going to implement the transferability programs.

I would go as far as to say I've been flooded with calls from those jurisdictions, as well as the fishermen from those areas, asking about the details of the transferability program.

So, we have added implementation of transferability programs to the board agenda today, not to discuss the details of how the jurisdictions are going to implement these programs, but for the board to talk about how they would like to talk to each other about implementation and to talk about what you would like the role of the ASMFC to be in those discussions for transferability.

CHAIRMAN WHITE: George.

MR. LAPOINTE: Thank you, Mr. Chairman. I talked to Carrie about this a couple weeks ago, and it strikes me -- and I can put this in the form of a motion if we need it, but I'll talk about it first.

It's just that the role of communication among the states in trying to foster the dialogue and the process by which states put together transferability is a good one, but that the commission shouldn't be involved in the running or monitoring of transferability programs.

But, as I said before, they should be involved in assisting the states and NMFS in that implementation. It strikes me that it would be worthwhile, working with the board chair, that we form a subcommittee, and that a series of meetings be scheduled to work with those states that are affected and with the federal jurisdiction to outline outstanding issues that need to be addressed. Importantly, the subcommittee needs to be heavily populated by those states that are putting together transferability programs.

CHAIRMAN WHITE: I guess my question on

that, in the interest of time, is would people -- are there enough people around that we could speak about this afterwards and volunteer for it, or do you want to go around and get volunteers now, or save it?

MR. LAPOINTE: I'm open to that. Go ahead.

CHAIRMAN WHITE: Let's talk about the concept first and then we'll see if we can get the subcommittee formed. Bill.

MR. ADLER: Thank you, George. That's what I was going to propose is basically that, that this board approve establishment of a committee similar to like Bob -- and the way I had simply worded it was that the chairman form a committee to determine the issues and discuss solutions surrounding inter-jurisdictional administration of trap transferability.

The committee should attempt to report back at the May ASMFC meeting. That way you could solicit all the people and the jurisdictions that George just mentioned.

CHAIRMAN WHITE: Do you have any problem with staff setting that up, then?

MR. ADLER: Yes, so that would have been the simpler way to perhaps put a motion on the floor, if it is needed.

CHAIRMAN WHITE: I don't think we need a motion, Bill. The staff will take care of that and they'll get back to you.

MR. ADLER: That's fine, as long as -- if everybody sort of agrees with that way of approaching it.

### Database

CHAIRMAN WHITE: Any other board members want to discuss? Geoff, okay, do the database?

MR. GEOFFREY G. WHITE: Thank you, Mr. Chairman. Another quick update on the database. One page is coming around to you. The good news is that in terms of systems

delivery and testing, we do have all of the parts of it at the commission and running at this point.

We've found several bugs and we've taken care of them, and there are a few more left to go. We are scheduled to have all the issues resolved with the contractor in the next couple of weeks.

The current issues are really not expected to affect the TC tasks that are scheduled for the end of the month, which is the beginning of the gap filling. So, that's good news. Also, we've received data from all of the state and all of the pieces.

As it is getting loaded, we've identified a few things that we do need to go back to individual state data holders or National Marine Fisheries Service and get some clarifications or additional years of data that weren't included with the initial load, but those are all kind of the normal things we were expecting to do during this month.

So, that major step of looking at the data, verifying it's correct and getting back to us before the assessment starts, the technical committee members are aware of. They know that we have and kind of will be continuing to ask them through the end of this month to clarify things and take a little bit more of their time, as Carrie mentioned before with the time line.

In terms of the board just, again, asking for general support of your staff time to take care of these activities. The remaining tasks that are listed here in terms of supporting the assessment include verifying the data and making sure that that's loaded and ready to go; and the beginning of April starting to work with the technical committee to train them on how to use this system as well as to fix any problems that they encounter as we get going. But for the most part, we're on track and doing our best to support it.

## **Other Business**

CHAIRMAN WHITE: Any questions of Geoff? Good job, thank you. The next under other business, Mr. Lapointe.

MR. LAPOINTE: We have an issue, Mr. Chairman, and I think I've got a way to raise it and ask Carrie for a clarification and not take up a lot of agenda time.

One of my staff members received an e-mail from a NMFS staff member about what seemed to me in the discussion that NMFS was not going to implement the most restrictive language in Addendum IV in regard to trap limits, and for Maine that's a very important issue.

I just want a clarification from Harry about where NMFS is on the issue. What I would propose is that I get together with Harry and Pat to figure out exactly where we are, to keep that issue pressing along as fast as possible.

CHAIRMAN WHITE: So you don't want Harry to delve --

MR. LAPOINTE: I would like just a short update, but then just rather than take up a lot of board time, just for us to address it outside of the meeting, and then we can come back and tell you how it goes.

CHAIRMAN WHITE: Okay, thank you. Harry, can you do that?

MR. MEARS: Okay, short update. The fact is we do have a most- restrictive reg on the books. I think what George is specifically referring to is an e-mail from February 9<sup>th</sup> between staffs of our respective shops in terms of our MOU on trap tag administration.

The position of the National Marine Fisheries Service regarding changing the definition of most restrictive is already a matter of record. We submitted our comments in writing, and I indicated what my concerns were at the last meeting, particularly since we did use the most-restrictive language as we've historically been accustomed to it to justifying moving forward with historical participation in the lobster fishery and also minimizing the number of lines in the water that would be associated with potential entanglement of marine mammals.

We only received the recommendation to change our definition of most restrictive in a letter that was dated March 2<sup>nd</sup>. So my answer is we have no position at this point on the change as recommended by the commission, and we would have to go out to public rulemaking to make such a change. Thank you.

CHAIRMAN WHITE: Okay, then, I'll trust that you guys will go back to that. The next item on the agenda is nominations for vice chair. Gordon.

MR. AUGUSTINE: George Lapointe.

MR. COLVIN: No, I already did that to him once, but we'll just move right down the line. I nominate John Nelson.

MR. LAPOINTE: Second.

CHAIRMAN WHITE: A motion has been made and seconded to nominate John Nelson.

MR. AUGUSTINE: Move to close the nominations, Mr. Chairman, and cast one vote. Congratulations, John.

MR. NELSON: Well, I can vote no.

MR. AUGUSTINE: It doesn't matter.

CHAIRMAN WHITE: All right, I now have a partner in crime. Unless there is anything else to come before this board -- and there is.

MR. ABBOTT: Mr. Chairman, I'd like to compliment you on your first meeting and you're getting us out on time. Thank you.

CHAIRMAN WHITE: Well, I had a 15-minute extra spread on it. Thank you all very much for your patience, and I call the meeting adjourned.

(Whereupon, the meeting was adjourned at 5:25 o'clock p.m., March 8, 2004.)

## INDEX OF MOTIONS

Motion that the Lobster Management Board endorse Option 2, the 2,200 cap number. Motion carried.

Recommend to go for an implementation date of June 1, 2005. Motion carried.

Move that the board adopt the draft terms of reference as presented by the staff and the technical committee without the changes suggested by the National Marine Fisheries Services board representative. Motion passed as amended.

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