

ATLANTIC STATES MARINE FISHERIES COMMISSION

American Lobster Management Board

Mystic Hilton Hotel

Mystic, Connecticut

November 1, 1999

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The American Lobster Management Board of the Atlantic States Marine Fisheries Commission convened in the East/Center Room of the Mystic Hilton Hotel, Mystic, Connecticut, on Monday, November 1, 1999, and was called to order at 1:00 o'clock p.m. by Chairman Ernest E. Beckwith, Jr.

CHAIRMAN ERNEST E. BECKWITH, JR.: Will everybody take their seats and we'll get started. Welcome, this is the Lobster Board meeting, and one of the first things we'll do is we'll have Amy call roll.

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

MS. AMY SCHICK: We have a quorum, Mr. Chairman.

CHAIRMAN BECKWITH: Thank you, Amy. You all should have a copy of the agenda. I've got a couple of changes to the agenda, and then I'll ask you if you have any changes.

What I'd like to do is take Agenda Item Number 7, which is stock assessment presentation, and move that up to actually make it Number 5. We'll take that right after public comment.

And also, I'd like to add an item under other business, and that's a report from the meeting that was held on trap tags and trap tag transferability. Bill, would you do that?

MR. WILLIAM A. ADLER: Yes.

CHAIRMAN BECKWITH: Okay, fine. Any other changes to the agenda or any additions? Yes, George.

MR. GEORGE D. LAPOINTE: If we have time, and only if we have time, could you give us an update on what's going on here in Long Island Sound, just so the other states know what's going on with lobster health.

CHAIRMAN BECKWITH: Yes, either Gordon or I will do that.

One other item under other business if we have time -- this is my last meeting as Chair, and Gordon Colvin, as Vice Chair, will assume the Chairmanship, and we should probably elect a Vice- Chairman. We'll do that if we have time today.

Okay, why don't we move on to the first item -- actually it's the third item. It's approval of the minutes from the August 3rd meeting. We postponed doing that at the last meeting in October because we had just gotten them.

**Would someone like to make a motion to approve those minutes? Pat Augustine.**

MR. PAT AUGUSTINE: So moved, Mr. Chairman.

MR. ADLER: I'll second.

CHAIRMAN BECKWITH: Are there any changes or corrections to the minutes before we vote on approval? Okay, not seeing any, is there any objection to approving the minutes? Seeing none, so ordered.

The next item on the agenda is public comment. and what we generally do is take any comments members of the public would like to offer at this time. But, please be assured that we'll be taking public comment all through the meeting. Would anyone like to make any statements at this time? Okay, fine. We'll move on; and as I said, there'll be ample opportunity throughout the meeting.

The next item will be the stock assessment presentation. And, David, are you going to give that, or is Carl going to give that?

MR. DAVID STEVENS: I'll be happy to talk about the assessment and the process, but it's going to fall short of any kind of a presentation.

Based on what Ernie Beckwith and I discussed last week, it seems still premature for me or anyone on the subcommittee to describe the results and conclusions from the assessment because the subcommittee has not yet approved the report or the conclusions and recommendations.

And, furthermore, with the short timeframe here today, if I said anything about what's in the report, I would just invite lots of questions and we'd be here for a long time talking about it. And we'd probably just create more confusion than it's worth.

So I respectfully submit that this is not yet the right time to talk about what's in the report. What I can talk about is our process, which I know a lot of you are wondering about; what's taking these people so long.

We had a Technical Committee meeting, August 11th and 12th, if memory serves correct. The purpose of that meeting was to approve the report. We had a draft of the report at that meeting and a draft of the summary to the report, which is really the critical part of it.

I was requested to rewrite the summary. The report was not approved in its entirety at that meeting, so that's kind of where we are now. There was also a technical question that came up which required that several people had to go back and redo some of the analyses of the fishing mortality rates, which not only held up the analytical part of the process but also meant that the report had to be corrected and adjusted.

Members of the subcommittee were given different parts of the draft report to review so that we set up a system by which everybody read the report, sent comments to a particular person who was designated to be kind of the clearing house person for that section of the report.

That person then made changes in the draft and sent them on to me. I have been busy writing the summary, which has been completely rewritten now and sent out last week. Well, it was sent out in pieces, but the last piece was sent out last week for the subcommittee to review.

The executive summary was finished, where are we, early part of last week. So the subcommittee has everything in hand. They've reviewed the report itself. The report is done. All the comments have been received on the report.

I still need to incorporate all the edits that people made in the report. The executive summary, there is an executive summary to the report and there is a separate stock status summary for each of the three stocks.

Those have been finished in draft form and distributed to the Committee. And, by the end of this week, if I get on the phone and hound people, I should be able to get all the comments back on those summaries and will start working on editing the edits in the meantime.

So the long and short of this is that the report is not completely finished yet. It's not been approved by the subcommittee or actually the Committee that approves the

report. And it's hard to be sure.

I even hesitate to say when, but it's going to be two or three weeks more before this thing is wrapped up. And beyond that I'm not sure. I'd be happy to try and answer questions as long as we stay away from talking about what is F in the Gulf of Maine.

CHAIRMAN BECKWITH: Okay, David, thank you. Any questions for David?

MR. LAPOINTE: Ernie.

CHAIRMAN BECKWITH: George.

MR. LAPOINTE: David, you said you're going to get comments back from the subcommittee by when?

MR. STEVENS: I've gotten all the feedback on the text of the report itself. I just need to sit down and make those edits. I expect to get comments back on all the summaries by the end of this week.

MR. LAPOINTE: Expect or -- people are obviously concerned about the date.

MR. STEVENS: Well, I'll make sure I do.

MR. LAPOINTE: Is it a drop-dead date for the end of this week for other people's comments to get back?

MR. STEVENS: I haven't established a drop-dead date, but people knew that they had about a week to do this and they received these late last week. I'll make sure I get that wrapped up by the end of the week.

CHAIRMAN BECKWITH: David, just a question on the process. So they'll get the comments back to you; you'll incorporate the comments; you will then sent it back out to the people for a final review?

MR. STEVENS: That's right. Everyone is going to have to have the final report plus summaries and the whole nine yards in front of them. And that's kind of falling into Carl's preview here, but there will have to be an approval of the report through some mechanism, e-mail or telephone or something after everyone has had a chance to review it.

And things happen, too. There's no way of telling what -  
- there may still be some sticky points that we're going

to have to iron out.

CHAIRMAN BECKWITH: Do you feel fairly confident you can wrap it up by the end of this month?

MR. STEVENS: Yes. Yes, with that kind of timeframe, even if there are people who are unhappy with something that's in the report, that would give them time to append a minority report of some kind, if that ends up happening.

CHAIRMAN BECKWITH: John.

MR. JOHN NELSON: Thank you, Ernie. What would be the overall schedule then as far as peer review and timetables associated with the report?

CHAIRMAN BECKWITH: Yes, Lisa. Just to bring you up to speed because I don't think you were listening, we're talking about getting the stock assessment finally completed by the end of this month, and John asked the question how would the peer review proceed in terms of a schedule?

DR. LISA KLINE: Once we have the report in hand, what we'd like to do is -- we've been polling the Panel members that we have lined up, and we have four Panel members that have agreed to be on the Panel.

We've been polling these Panel members as the dates have shifted to try and get a feel for whether or not we can find a three-day block of time where we can get them all back together again.

As the dates shift, we continue to go back and poll them and we'll probably have to do that one more time. Once we get the report in hand, we can then set those dates. What I'd like to do is set those dates one month after we get the report.

That will allow us enough time to get notices out to the public, distribute the reports to anybody that wants to attend; and, again, just give more from a public standpoint, give that time. And we've had some requests from public as well as the press to do that.

So, what we're hinging on right now is finalizing that report, get that report set. We'll continue to poll the Panel up to that point in time. Right now we're pretty much into early 2000 at the earliest with the holidays and the delays in the reports.

We have a tentative block of time about mid-January that we could possibly hit if the report is done in time. And if not, then we'll have to go back and re-poll the Panel members one more time.

We're also going to try to fill a fifth spot for the Panel members. We'll go with four if we can, but we'd like to bring that up to five if possible.

CHAIRMAN BECKWITH: Lisa, once the Peer Review Panel meets, how long would it be before the Board would see a final report from them?

DR. KLINE: Typically, we've been turning the reports around in about a two-week period. I mean, I would like probably a minimum of two-weeks, and we might need a little bit more for this one because the report is probably going to be a little bit larger than the stock assessment reports that we've forwarded through external peer reviews in the past. So I would say two to three weeks we could probably have a report ready to come back to the Board.

CHAIRMAN BECKWITH: So it probably looks like if everything goes well, we'll see a final Peer Review Report in early February?

DR. KLINE: Early-, mid- depending on timing, yes.

CHAIRMAN BECKWITH: Okay, I just want to give the Board a sense of where we're going to end up with this thing. Okay, any questions for Lisa or for David? Thanks, Lisa.

I guess we're finished with the assessment report. No other questions or comments? We'll move on to the next agenda item. Yes.

MR. BRUCE FREEMAN: Relative to the report, it appears that there is a difference of opinion. You reported that at the last Board meeting. And the question to David is, is that what seems to be the controversial issue, David, that's holding this up is just a difference of opinion? I mean, it seems to be much more than just editing.

MR. STEVENS: Well, it's a combination of things that's held us up. The analytical process or the methodology that we're using has continued to evolve as we've gone along. So that's created delays.

We've revised these fishing mortality rates several times

now, each time making improvements in the methodology. The other thing that's held us up, quite frankly, has been grappling with the overfishing definition. And I would characterize it -- speaking myself -- as to its limitations.

We have had to evaluate the stocks in terms of the degree of exploitation that's being exerted on those stocks using a number of different means, and that has generated a lot of discussion. That's probably all I should say about it at this point.

CHAIRMAN BECKWITH: Okay, any other questions for David? Okay, let's move on to the next item which is the trap tag contract. And if you recall at the last meeting we had in October, Amy presented the results of, I guess, a bid process that the Commission undertook.

And they sent RFP's out to several companies. And I think they got, what, three responded positively with a proposal?

MS. SCHICK: Correct.

CHAIRMAN BECKWITH: And at least one gave us a price. I think two gave us prices. And then we talked about how the Board wanted to proceed in terms of a trap tag contract.

Did we want the Commission to do one contract where all states could take part in that contract, or did we want to have the Commission just obtain the lowest price for us and then each state would then in turn go to the vendor that was selected and then develop their own contract with that vendor.

And we had a lot of points back and forth about what direction we should go in, and we didn't really make too much progress. And I charged the Board with going home and thinking about what kind of direction that they wanted to proceed in and to bring that back to this meeting so we can discuss it today.

And, Amy, do you have any other updates on where you are, where the Commission is in terms of developing a central contract; any further along from where we were from the last meeting?

MS. SCHICK: The Commission isn't any further along in developing a contract because we're waiting on the Board to decide what direction we should go in if we want to develop a Commission-sponsored and a Commission/vendor

contract, or if we want to go to the opposite extreme and have the states develop individual contracts with the vendor.

In front of you, I wrote out just a one-page summary about establishing the lobster trap tag contract. And the primary purpose of having a common contract is to secure a lower cost to the states and to the fishermen through economy of scale and also to promote consistency in the coastwide trap tag program by purchasing tags from a single vendor.

As Ernie said, we sent out a request for information to over 11 different known tagging companies. We heard back from five of those companies. Two had definite bids. Two companies expressed price ranges, but couldn't express a specific cost based on lack of information.

They weren't sure how much it would cost them at low quantities to produce the tags. And then the fifth company requested no bid at this time.

At the last meeting the Board reviewed these responses. I have a couple extra copies of those responses if people don't have them in front of them. They're just the letters that we received from the companies.

And I also have a couple example tags that I can pass around. The orange, green and yellow ones are from Stouffel Seals and they currently are manufacturing tags for Maine and Massachusetts.

And then these blue ones are from Floyd Tags out in Seattle. It's a little different style. And I can pass these around if people want to take a look at them.

Basically, to move forward, the Board has to decide first what vendor they would like to use. If everyone wants to go with a single vendor and try to secure a lower price, which of the five vendors would the Board like to choose to contract with?

And then after that, we need to determine which states or which agencies are willing to sign on to either some sort of common contract, whether the Commission is putting the contract together with the vendor or if the states individually will put the contract together.

Participating states will matter in terms of price. We had sent out in the request for information that the states of Massachusetts south and possibly the National

Marine Fisheries Service may be interested in going into a common contract.

If some of those states drop out and the number of tags that would be purchased under a common contract were significantly reduced, the price is likely to go up with all the companies that are listed.

So we have to determine which state agencies are willing to sign a common contract; and then finally, what type of contract do we want? And as we've said before, there's two extremes; having a Commission-sponsored contract is at one extreme and then a state vendor contract is at the other extreme.

And there's a couple of procedural things that really depend on what the Board wants the Commission to do. We really have an open opportunity to do a wide range of different things.

If the Commission establishes a vendor/ASMFC contract, we'll use the vendor selected by the Lobster Board, and then the Commission would work out the details with the vendor.

What we would first need is from each state whether or not the states are able to participate in this type of contract, if they have any legal limitations or processes that have to be followed in order to sign on to a common contract.

States must also identify the type of program it wishes to implement. We presented a range to the vendors, being similar to the Massachusetts Trap Tag Program or similar to the Maine Program.

The difference there is the Massachusetts Program has the vendor do most of the administration of the program. In the state of Maine, the state agency does a lot of the administering and submits the order directly to the vendor, so the vendor only deals with the state agency and ships the tags directly to fishermen.

So states would have to identify which of the programs they would like to implement. Thirdly, if there's any special requirements that a state would want to have signed on in the contract, that would have to be identified.

One example is if a state wants to collect additional revenues and have that money collected by the vendor and

returned to the state, that type of information would have to be included in the contract; or, if the state wanted it included in the contract, we would need to know.

Then if there's any type of quality assurance that a state or an agency expects in the contract, we would need to make sure that's all written in. And then once the Commission has all the necessary information from the states, we would move forward and establish a contract with the vendor according to the needs of the agencies.

Under this scenario, it could take additional time. If we're waiting on one state to get all the information in, it could hold up the entire process. And, so we're going to have to find a balance of the best way to do this.

The second alternative is have the agencies and the vendors establish a contract. And under this the Commission would secure a price for everyone involved, but then the state agencies or the National Marine Fisheries Service would have individual contracts with the vendor.

Under this scenario the Commission can develop some sort of template contract that each state could modify for its own needs. But in the end, the state would sign the contract with the vendor.

And I've kind of presented these as two extremes, and we really have a balance anywhere in between that the Commission could pursue. One of the alternatives that have been discussed early on today was that the Commission could establish a contract that would be fairly general, and then any specific needs could be worked out through the vendor and the state agencies.

So the Commission is open to any suggestions from the Board and we're able to pursue a wide variety of alternatives for a trap tag contract.

CHAIRMAN BECKWITH: Okay, thank you, Amy. As you all know, the Plan requires us to have our trap tag systems in place for January 1st, so we pretty much have almost run out of time here. We really need to make a decision today on what direction we want to go in. Dieter.

MR. DIETER BUSCH: Mr. Chairman, a couple of points I'd like to just bring to the Board's attention. Under both A and B, we do not expect to have extra costs passed down to the Commission, that this would be really done by the

staff as part of the normal work routine with no extra charges either on A or B.

And also in talking with some of the manufacturers, they talked about the need for up to sixty days of setup time to get some of this stuff going. So you're right, it is a short time.

CHAIRMAN BECKWITH: Sixty days set up time? We don't have that much time left.

MR. BUSCH: That's why I said up to sixty days. I'm not sure how much we could squeeze them, but they needed time to do the tooling work, I guess, to set up the process.

CHAIRMAN BECKWITH: Interesting. So that means that it would be practically impossible for us to have this trap tag system up and running before January 1st even if we were able to decide on a contract and get it executed in the next couple of weeks. Amy.

MS. SCHICK: Again, that's going to depend entirely on which vendor is selected. Some vendors that have not implemented a program like this will have a longer setup time than a company that has implemented a similar program. So the timing will depend on what vendor is selected.

CHAIRMAN BECKWITH: Okay, thank you. Okay, so Amy has presented a range of alternatives for the Board to consider. I'd like to solicit comments and discussion on the options because we really have to make a decision today on what direction we're going to go in. Pat.

MR. PATTEN D. WHITE: Just a question on the tag that we have that you just showed us, the blue one as opposed to the Stouffel ones, which we're familiar with. Has anybody done any testing on that? I was impressed by the raised letters on it, but is the clasp equal, good, worse?

MS. SCHICK: I haven't done any tests. We only got about three or four of the tags into the office, and no one has done anything to test how sturdy they are or how easily they could be fabricated.

MR. WHITE: That didn't look very good.

CHAIRMAN BECKWITH: I didn't see it, but I heard it. Mark.

MR. MARK GIBSON: Maybe it would be useful to see some

sort of straw vote or opinion as to which of these range of options or endpoints the different states might be interested in.

CHAIRMAN BECKWITH: Yes, I was going to get to that. I was going to see if we could get some comment first, but I think we're going to have to urge you all along a bit today.

Let me just ask a couple of questions and maybe you can give us a little bit of direction. How many states would like to and could participate in a central contract? And how many states would feel they'd have to contract separately with the vendor because of their legal requirements or whatever? Phil.

MR. PHIL COATES: Yes. You asked the question. I'm just raising my hand.

CHAIRMAN BECKWITH: Yes, but I asked two, and I'm not sure which one. I should have just asked one and then -- Okay, let's go back. How many states would be able to and willing to participate in a central contract with the Commission? Okay, so we've got Rhode Island, Massachusetts,

SENATOR GEORGE GUNTHER: Connecticut.

CHAIRMAN BECKWITH: And you're talking for Connecticut? New York.

MS. SCHICK: What about New Hampshire?

CHAIRMAN BECKWITH: Let me ask this question. For those states that indicated in the affirmative, that means that you wouldn't have to get involved in any other contract with the vendor, you could do it all through the Commission?

There's no other standards or performance requirements you would need separately? You could do it all through the Commission? Okay. I would take it that everyone that didn't raise their hand would want to contract separately with the vendor? No. John.

MR. NELSON: Thank you, Ernie. What's the difference between A and B? Well, let me kind of answer that if I can and see if I'm right. A is we all have our own specs and whatever, but we go through ASMFC.

B is we all have our own specs and everything and we just

go to a vendor. In each case the ASMFC has already determined a price for the tags.

CHAIRMAN BECKWITH: Well, as Amy said, there's a whole range of possibilities here. Some states, perhaps, could not accept a price that was gotten by the Commission. They have to go through their own bid process. I don't know if that's the case for your state.

MR. NELSON: No, I checked with our folks. And as long as there was a multiple RFP and they got 'x' number of responses, we don't have any problem with that, and we can contract directly with the vendor.

And it seemed like a very clean way of doing it. I'm just wondering are we just adding a middle person using ASMFC? And how is the response time? Are we going to be able to do this in a timely fashion?

And is it going to bog down the workings of the ASMFC versus going directly to the vendor and letting them handle all the administrative aspects?

CHAIRMAN BECKWITH: Well, let me respond to that. One of the advantages of going through the Commission is supposedly they could negotiate and obtain a lower price. If each state went out separately, they would be negotiating on their own and in theory they wouldn't get as favorable a price.

But there are all different versions here. The Commission has already done that. They've gone out and got the best price. And if we selected, we here today selected all of us were going to go with one vendor, whether we signed on to the Commission's contract or did our own contract, that would be some assurance that that vendor could honor that price. So there's all different combinations and approaches we can utilize.

MR. NELSON: Yes. From the information I've gotten from our discussions, I had understood that the vendors were willing to provide that price to the states however we went, whether it was one big block or if it was individuals. And I just need to make sure that that is -- and I can see it written here it that that's still the case, but I just --

CHAIRMAN BECKWITH: Well, I see your question. I think that's the case if all the states go with that same vendor. The states that are going with different vendors, then they probably cannot maintain their

proposed price. Amy.

MS. SCHICK: To that point, I've spoken to one company in particular about that and it was Stouffel Seals. If a lot of states and a lot of the larger producing states dropped out of a common contract, the price is likely to go up. So it will have an impact on the price if everyone does not go with the same vendor, with that company in particular.

MR. NELSON: Okay, and I would assume or could I make the assumption that no matter how we do it, whether under ASMFC or through Option B, that if Maine or Massachusetts decide to go somewhere else, we could be all faced with that circumstance of a higher price. I mean, that's all it boils down to.

CHAIRMAN BECKWITH: Oh, yes. Yes, is the answer to that. But if it's possible for us to select a vendor and we all have the same vendor, then that doesn't become a problem. We can do that here today.

MR. NELSON: Well, I didn't raise my hand for going to a central contract because I had not explored that. We had explored what's the most feasible way of doing it. Should we go out on our own and try to do an RFP and get the same type of information, or can we use what the Commission had already gotten as the RFP process and use that as our basis?

And the answer from our accounting folks was, yes, you're much better off, just do that and go let the vendor handle the administrative activities. So we are certainly capable of doing that.

We probably, depending on how it's structured, could also go through ASMFC. It's just I wasn't sure. Dieter says there's no administrative problem doing that, and I certainly believe him. So I guess we could go either way.

CHAIRMAN BECKWITH: You know, this might or might not be the case in Connecticut, but if we develop a system where the state doesn't get involved in handling money, then there isn't any reason for the state to enter into any kind of a -- I won't say they contract -- but get involved in bidding because we're not purchasing anything.

But, obviously, bidding it out and getting a lowest price for our fishermen is something we ought to do because we

are responsible for the program.

So, in many cases then the state wouldn't even have to go through a bidding process if they weren't going to collect money and sell anything if it's all done through the vendor. Bruce.

MR. FREEMAN: Ernie, has this been referred to the Enforcement Committee for commonality of tags? I mean, conceivably every state could go to a different vendor and have a different tag. And from the enforcement standpoint is that going to create a problem?

CHAIRMAN BECKWITH: Well, there are standards for the tag in the Plan.

MR. FREEMAN: Right, but it could be a different thickness, it could be a different shape, all of which could comply with the standards, but if you're out at sea somewhere, does that create a problem? It would seem to me it could.

CHAIRMAN BECKWITH: Is Joe here? Joe is not here yet. Have we got another law enforcement person? Yes, come on up to the mike so we can hear you.

MR. PHILIP MCMANN: Good afternoon. In the absence of Colonel Joe Fessenden, he just asked me to take some notes in his behalf. He had a death in the family. He's hoping to be here later on this afternoon.

I haven't attended all of the meetings with that, but there are some concerns that these tags are somewhat similar in construction so that the range of these tags in the various states will withstand and there are some concerns whether they are water-pressured or being snapped off by other means of that. So there are some concerns that they are somewhat standard.

CHAIRMAN BECKWITH: Yes, actually the only standard in the plan says it will be a truck seal design. The other standards I was referring to is actually what goes on the tag. So they all could be truck seals but they could be quite different in terms, as you said Bruce, the thickness and how they work.

MR. FREEMAN: Well, it would seem to me from the enforcement if, in fact, the tags were identical design and material, the only difference being perhaps a state number or state designation, it would be easier for enforcement.

It would also from the standpoint of fabrication, it would seem if you had a lot of different designs, it would probably be easier to fabricate one or another, bearing in mind that these people could leave one area and fish another area.

And then it would seem reasonable to me to go with a general contract which the Commission would then pick out a contractor, which I would assume would be the lowest price, certainly lower than any one of us could negotiate because you're dealing in volume.

There seems to be, to me, an advantage of coming up with a contractor with a tag. And if Maine has "Maine" stamped on theirs and Massachusetts and New Jersey, whatever the case may be, it seems to me to be the best.

And if Maine, for example, wanted to charge an additional fee, even though the tag is the same, that would be their prerogative; or a state just wants to issue them for the cost of the tag plus any administrative costs from the company, then that would work as well.

CHAIRMAN BECKWITH: Okay, what I guess I hear you saying is that there's a definite advantage for all the states to obtain their tags from the same vendor so they'd be very similar.

But, the states may also have different performance standards or they may choose to handle the financial part of it differently, collect more than what the cost of the tag is.

They could either include that in the Commission's contract, which would make that a little more complicated, or they could go with the Commission's contract just for the selection of the vendor in terms of the price and the standard product, and then they could contract separately with the vendor for any particular special requirements that they might have.

MR. FREEMAN: Well, again it would seem to me apparently both Maine and Mass have such a system. In either case, they could purchase in bulk the amount of tags and then redistribute them whatever system they have in place, which really would be one of accounting; I mean, accounting for the numbers and collecting the fees.

And if the state didn't want to do that, they could have

the fishermen deal directly with the contract vendor.  
It seems like in any instance it would work, at least as I understand the system on a coastwide basis.

CHAIRMAN BECKWITH: Yes, it seems to me there's a definite advantage to have the Board decide on a vendor and have the tag be standardized in terms of its manufacturer.

MR. FREEMAN: And if I may, Mr. Chairman, while I have your attention, in our instance, again, we've repeated a number of times, we'd be interested in it if the Service issued the tags because almost every one of our fishermen fishes predominantly in federal waters.

And I don't know, Harry, if you've thought or given thought, you or Bob, as to what kind of system the Agency would be involved with. Would they be amenable to dealing through a contract or would the Service look at this as dealing directly with a vendor? I don't know how you'd do it.

CHAIRMAN BECKWITH: I guess, Harry, if the Board decides to select a manufacturer, is that a problem for the Service? Do you have a different process you have to follow or could you somehow use the same vendor as the Commission selected?

MR. HARRY MEARS: Our main interest here would be to streamline the process as much as possible. We've already issued what we call a request for information similar to what the Commission has done.

At the same time our proposed rule had a provision whereby it recognized that the Service could enter into appropriate state agreements. And I'm assuming here that type of language is flexible enough to accommodate a state-by-state arrangement or some other type of variation through the Commission.

But to answer your question, certainly the concept, we're certainly amiable to depending upon what this group decides how to go.

CHAIRMAN BECKWITH: Okay, John.

MR. NELSON: Thank you, Ernie. I guess I need to go back to how this would work. If ASMFC has the contract with a vendor, what do the states need to do as far as an agreement with ASMFC?

Because we're already members, do we need to do anything other than submit the information that ASMFC needs to generate tags that designate New Hampshire blah, blah, blah? We don't need anything formal -- or do we need anything formal with ASMFC, an MOA or something like that?

CHAIRMAN BECKWITH: Well, I think I'll just respond the way Jack and Amy and Dieter respond. They'll do whatever you want us to do. And I guess I would say, what do you need to have done? Do you need to have some kind of an agreement because I don't think that the Commission needs to have that.

MR. NELSON: Obviously, if the state does it with a vendor, you have to have some type of a contract. If they're not going to handle any money, that's the cleanest way and we don't have to -- it's a very straightforward process for us.

I just didn't understand how we would do it. We just send the information to ASMFC and have in our regulations that our fishermen would go to vendor "x" and obtain their tags. In either case I think we would do that.

In either case you'd have to have the regulations stating that the lobstermen would obtain their tags from vendor "x", so it doesn't matter whether we do an individual contract with that vendor or have ASMFC have the contract and we just receive the tags.

CHAIRMAN BECKWITH: The way that we have our regulations drafted in Connecticut is that the fishermen would obtain a tag from either the agency or from an agency-approved vendor. And I think that covers it. Dieter.

MR. BUSCH: I was hoping what we were talking about is really just the Commission providing an umbrella contract for this activity and not having to do a whole bunch of staff work.

The money would not be coming to us and the list wouldn't be coming to us, but that would be worked out between you and the vendor. The contract would be negotiated for volume through us; and also keeping the potential vendor on track or on a time schedule, we'd have more leverage by having the Commission and the volume as a push to get this going.

If you went as individual states. it may not have the same impact. So we were hoping to do two things; one,

get the lowest price and also get the most efficient return on this, but not really us getting into a whole bunch of bookkeeping and tracking.

CHAIRMAN BECKWITH: Mark.

MR. GIBSON: The question I had is sort of along the same lines as John had. Is it sufficient for a Board action today to adopt this blanket contract approach? Is it sufficient for their to be a Board action to that effect, and the Board selects an approved vendor?

Is that good enough for the states to go home with and say, well, that's part of the FMP; we have to be compliant with that; or, does there need to be a specific legal document signed between the respective states and the Commission once they work out that contract?

I guess I would argue that if we had a Board action that we would be required to be compliant to, that should be good enough for us to go home and draft our regulations on. That's certainly the simplest thing, and I would hope that that's the way we could make it work.

CHAIRMAN BECKWITH: I'll give you my opinion and I'll look to staff to; and if I'm wrong, they can pipe in. But I don't think that any action we would take here today in terms of selecting a vendor could be binding on the states. It's not part of the Plan; am I correct on that?

MR. BUSCH: Well, the Plan requires the tags, so I think the motion would move us in the right direction. I think the state compliance would be, then, the requirement. The federal one is the one that we are not addressing.

CHAIRMAN BECKWITH: Yes, the Plan does require a tag, but it doesn't require you to go to any particular vendor to get that tag.

MR. BUSCH: No, I don't think -- you know, that's not a compliance requirement; that's a legal requirement. But I think the Board's action would push us in this direction because really there are subsets.

If you go with different vendors, you could have counterfeit tags, potentially, that somebody could make, especially if you talk about different thicknesses and thinness or whatever, you know. If you go with one vendor with one type, it's much more controlled.

CHAIRMAN BECKWITH: But, Mark, getting back to your question, I think even though it would not be binding on a state in terms of the vendor selected, I think it would be extremely helpful to us back home to have a Board motion saying that the Board has selected this vendor. It might make our jobs easier back home trying to get regulations in place. Gordon.

MR. GORDON C. COLVIN: What I'm trying to get into my own head is what it is that the Commission needs the Board to do today in order to set the Commission on a path that might be consistent with the Board's intent.

It seems that there might well be two different actions needed. One is a request that the Commission agree to undertake a business arrangement with a vendor to provide tags because the Commission has to do that.

And then the second might be -- and I'm not sure that this is necessary -- to specify which vendor, of those who have submitted proposals, we would recommend that the Commission enter into such agreement with.

Now, Jack's looking at me in a puzzled way. I think that what the Board needs now is a clear indication of what's needed here, because I'm ready to make a motion as soon as somebody tells me what it needs to say.

CHAIRMAN BECKWITH: Bruce, I'm waiting for Jack to put his hand up; but if he doesn't, I'll call on you.

MR. FREEMAN: It would seem to me that the Board can essentially describe the tag that would be necessary and it could do so on a yearly basis. In other words, we could take the technical information from the highest bidder and indicate that is the tag.

If the state wanted to go it's own way, had a contract, we could include that as well. And I don't know what -- I guess, George, you've already done that, or Massachusetts. And if it were different then the one that was selected by the Board, either tag could be the approved tag, but that would be the condition of the Plan; and as the suggestion that Mark made, then that could be a compliance issue.

This year the tag would be -- and you could describe it -- and you'd have to use that tag or a similar tag and you could describe that. That then would be the compliance issue for this year, so everybody would have one or the other tag.

CHAIRMAN BECKWITH: Let me see if I understand what you're saying. Are you saying that the Commission didn't necessarily have to specify a tag vendor, but just identify what the tag specifications would be in terms of construction?

MR. FREEMAN: Yes, it would do that but, in fact, you could have one or more vendors. In other words, the specification could be such that you could have more than one vendor.

But I would think in order to acquire these tags at the lowest cost and have a comparable design that we all have faith in, that it would be probably the best to go with a vendor, a single vendor that would essentially manufacture all the tags for the entire coast. That volume would give you the lowest price.

That tag, then, could be decided on by the Board or even by the staff and indicated that is the tag that would be used in the Year 2000. It may be used following years, but it would give you latitude to change it if some other vendor came in with a better design at a better price.

Those states that wanted to charge more could do so, but the states then would be required to use that tag. That then could be written into the Plan as a compliance issue, so it would give the states the latitude without going through a large administrative process of essentially accepting this tag for this year, this coming year. And that would be the tag that would be used.

CHAIRMAN BECKWITH: Okay, Ralph. I've got to think about that for a minute.

MR. RALPH MALING: Yes, from the fishermen's point of view, we really don't need to be involved with another agency. The majority of the traps that are fished now are tagged by the same tag manufacturer.

We already have a problem with them, which the manufacturer will take care of. The language in 2.3 already states in state waters the state licensing agency shall be the issuing authority, so we've got that made.

The only problem is when it comes to the federal waters, but the federal people are practically in agreement that the states will be able to issue tags for the federal water. They're coming through that. We've been through a few meetings.

Now the other thing is that in 2.3.3 it says that the trap tags shall be a truck seal design. Now, that doesn't limit you to that particular one there. That one there that was passed around is really not a good tag.

As Brian did over there, he snapped it, and this happens to the fishermen all the time, so consequently they want a stronger tag. The tag is not going to be transferrable. We've already agreed in that in a meeting.

So, therefore, why do we make it so it can be broken easily? So we're going to make a stronger tag out of it. And as far as a better price, we're talking pennies here, fellows. The state of Maine buys them for a nickel or something and resells them for eight cents.

The state of Massachusetts, we fishermen pay sixteen cents because we don't want the state telling us how much we have to pay for it. So the state gives us a letter of authorization -- and it is a big problem; because, if you go through the legislator, that's money.

They see that as money. We'll go up on the tags. What the heck, there's not many fishermen. We'll go up ten cents, twenty cents on the tag. That's a lot of money for them. We don't get enough money into our enforcement as it is now.

And to think that we can get enough money out of the trap tag system to increase our law enforcement in our state, and I think in all the other states outside of Maine, is wishful thinking. So I don't see why we're spending so much time on who's going to issue the tags.

You've got two states that are issuing the tags now. They've got a good system, so why change it? It isn't broke.

CHAIRMAN BECKWITH: Harry.

MR. MEARS: I guess in a way I'm back to the question someone raised earlier. What is the difference between A and B? It seems as though our discussion so far is that by restricting the vendor at least to some extent, whether it's a single vendor or two vendors, whatever, theoretically you're lowering the cost by ensuring a higher volume.

And whether you do that centrally through the Commission

or through some alternate, separate mechanism by each of the states, it seems to get you to the same place in that regard.

One comment was made before that I don't believe enough attention has been afforded to. That was the hopeful situation that the bookkeeping would be minimized for the Commission.

Whichever route is taken, there's going to have to be several lines of communication with the vendor in terms of numbers of tags to issue. And this is not a one-shot deal.

I mean, this is a process that will likely occur throughout the year. Certainly, a large majority might occur during certain months presumably during the beginning months of the year if June is, in fact, the required date that the tags have to be affixed.

And unless a state has a regulation that would prevent a fishermen from coming in later in the year in the winter months to, for whatever reason, get tags at the last minute, this is not a simple communication type of arrangement.

So I don't know if enough attention has been given to that issue conceptually, what the lines of communication would be with the vendor and what would that communication entail.

CHAIRMAN BECKWITH: Yes, just to address some of the comments people have made, I see two major reasons for selecting a vendor. One is you can get the lowest price in theory, and also you can get a standard product that would be the same across all different management areas.

Also, Harry brought up a very good point. This system is going to be a very interactive system between the states and the vendor. There will be a request for tags coming in all the time.

The states will have to administer, and assuming we go with a vendor, and authorize issuance of those tags to the vendor so they can issue them to the particular fishermen. That will go on throughout the year.

Fishermen will have losses throughout the year. Some states, in Connecticut we're going to provide the ability for fishermen to rotate their gear. They can bring in their old tags and we'll authorize issuance of new tags.

So this is going to be ongoing.

There will be a lot of communication all through the year. And I think it's probably best done by the states communicating separately with the vendor that's selected.

I don't see the Commission getting involved in that. Pat.

MR. AUGUSTINE: Thank you, Mr. Chairman. Just a point of order. We've already got a motion on the floor. We don't have a --

CHAIRMAN BECKWITH: No, we don't have a motion.

MR. AUGUSTINE: We're carrying on with a dialog. Well, I thought --

CHAIRMAN BECKWITH: It's on the board but no one has made the motion.

MR. AUGUSTINE: Okay, Gordon, you want to make the motion or I'll make the motion? May I make the motion?

CHAIRMAN BECKWITH: Would you like to make a motion?

MR. AUGUSTINE: Yes, in Gordon's absence I'll make that motion.

MR. COLVIN: Gordon is still working on it.

MR. AUGUSTINE: Oh, I'm sorry, Gordon. Why don't you make a motion? We're still working on it, then.

CHAIRMAN BECKWITH: Would anyone else like to comment as Gordon finishes there working on the motion? John.

MR. NELSON: Thank you, Ernie. There still is the one -- no matter what the states do, you know, if we go through a common contract, whatever, there's still the other issue as far as the development of an MOA with the National Marine Fisheries on should they honor state tags that are fished in the federal zone, or is the Service going to have to issue their own tags? How can we avoid that duplication?

CHAIRMAN BECKWITH: We're going to try to cover that under Agenda Item Number 8.

MR. NELSON: Oh, okay, sorry.

CHAIRMAN BECKWITH: State and federal agreements. Okay,

any other comments? Is the motion ready to be made?

MR. COLVIN: Pat says since I'm back, I'll make it. I move it. There it is. Can you read it, Joe?

SENATOR GUNTHER: I'll second.

CHAIRMAN BECKWITH: Okay. I think we have a technical problem.

MR. LAPOINTE: Can I ask a question while they're getting through the technical problem?

CHAIRMAN BECKWITH: George.

MR. LAPOINTE: Gordon, is the intent of your motion to allow those states that don't need to enter into a new contract, to Maine --

MR. COLVIN: I lost what you said.

MR. LAPOINTE: I'm concerned. Is the intent of your motion to let those states who want to buy into the program and those states who don't want to, stay out of it; Maine specifically in this case? This does not apply.

MR. COLVIN: Well, that's not necessarily the intent of the motion because the motion speaks to something entirely different, but that would not be inconsistent with the effect of the motion.

The purpose of the motion, the intent of the motion is simply for this Board to ask the Commission to enter into this business agreement, that once it's been entered into within the two different options, states or the National Marine Fisheries Service could as issuing authorities, on the basis of that business arrangement, arrange to have tags purchased and distributed to the fishermen accordingly. You wouldn't have to.

MR. LAPOITNE: Right. Thank you, that's the clarification I wanted.

MR. COLVIN: I think I need to read it for the record. I move that the Board request ASMFC to enter into a business agreement with a tag vendor where tags may be provided as needed by tag-issuing authorities. Such agreement would provide for administrative options including the following, both under terms as specified in the agreement:

**A. Direct purchase of tags by permit holders from vendor as authorized by the issuing authority;**

**B. Purchase of tags by issuing authority from vendor.**

CHAIRMAN BECKWITH: Okay, so if we do adopt this motion, it means that we would be authorizing the Commission to select a vendor, or would we also select one today and direct them to enter into a business agreement with that vendor?

MR. COLVIN: I think that that's a separate decision that we could make later. We may or may not wish to include a recommendation on a vendor.

CHAIRMAN BECKWITH: Okay, is there any discussion on this motion? Bruce.

MR. FREEMAN: I'll second the motion.

CHAIRMAN BECKWITH: I think we had a second from Senator Gunther. Pat.

MR. AUGUSTINE: In that case, Mr. Chairman, without belaboring the point, and we've beat it up pretty well, I would call the question.

CHAIRMAN BECKWITH: That's awfully quick, Pat. Let's give people an opportunity to comment on the motion.

MR. GIBSON: Well, what would you envision the means of the vehicle by which a state would sign onto either Option A or B? Would it simply be a letter from the Agency and a Board member saying which we prefer, or what sort of sign-on do you envision with this?

CHAIRMAN BECKWITH: Well, I don't know if a state -- I think the states should let the Commission know which way they choose to go, and perhaps they could do that by a letter.

I don't know if it's necessary, but I think out of courtesy the Commission should know how a state wants to go. Any other questions or discussion on the motion? Harry.

MR. MEARS: A question for Commission staff. In terms of the words "business agreement", does that present any problem at all to staff? I assume it's a very informal type of arrangement, a letter or some similar acknowledge-ment that they're going to be ready and able

to receive subsequent requests from individual states.  
Is that correct?

CHAIRMAN BECKWITH: Dieter.

MR. BUSCH: Mr. Chairman, I guess how I interpret this is more or less an agreement from the participating states that were talking about these numbers. So it's really an agreement of the numbers as a total of all the states that will be participating in this activity. So I don't think we need anything in writing on that. It's just a matter of the agreement, a motion by the Board.

MR. COLVIN: At this point, Mr. Chairman.

CHAIRMAN BECKWITH: Yes, Gordon.

MR. COLVIN: The words "business agreement" were put in the motion because it was felt that they might provide the Commission with somewhat more options and flexibility in terms of the exact nature of an agreement they might enter into than the selection of other words such as "contract."

CHAIRMAN BECKWITH: Okay, any other comments or discussion on the motion? Pat.

MR. AUGUSTINE: May we now call a question, Mr. Chair?

CHAIRMAN BECKWITH: I think we're ready, Pat. Okay, would you like to take a minute to caucus? Okay, we're to vote.

MS. SCHICK: Maine.

MAINE: Yes.

MS. SCHICK: New Hampshire.

New Hampshire: Yes.

MS. SCHICK: Massachusetts.

MASSACHUSETTS: Yes.

MS. SCHICK: Rhode Island.

RHODE ISLAND: Yes.

MS. SCHICK: Connecticut.

CONNECTICUT: Yes.

MS. SCHICK: New York.

NEW YORK: Yes.

MS. SCHICK: New Jersey.

NEW JERSEY: Yes.

MS. SCHICK: Maryland.

MARYLAND: Yes.

MS. SCHICK: North Carolina.

NORTH CAROLINA: Yes.

MS. SCHICK: National Marine Fisheries Service.

NATIONAL MARINE FISHERIES SERVICE: Yes.

MS. SCHICK: It's ten in favor and no opposed, no null.

CHAIRMAN BECKWITH: Thank you, the motion passes.

MR. COLVIN: All right, we're on a roll now.

CHAIRMAN BECKWITH: Okay, Gordon.

MR. COLVIN: Now I need to address the Commission staff; and now that they know what it is that we want, my question is what additional guidance do you need from the Board in order to carry that out, if any?

CHAIRMAN BECKWITH: Dieter.

MR. BUSCH: Mr. Chair, what would be helpful -- I don't think the Board has to make a selection here unless you want to as to who the potential vendor would be, but if you would give us the criteria, including maybe the lowest price, the best quality or the most concrete guidance; and if you wanted to empower us to use this then to make the selection, we could do that. Otherwise, of course, you could make the selection or you could disqualify some that you do not want to be on the list. So I guess you have a number of different options, and that kind of guidance would be helpful.

CHAIRMAN BECKWITH: Yes, thank you, Dieter. Phil.

MR. COATES: I was just going to suggest a vendor. I

mean, if you really want to accomplish the goals you're talking about with regard to this process, you're basically going to have to go with the -- I would recommend that you go with the tag manufacturer that is currently being utilized by the two states that have tagging programs.

MR. WHITE: Second.

CHAIRMAN BECKWITH: Okay, that's a motion?

MR. COATES: Well, if that's a motion, that would be still a good thing.

CHAIRMAN BECKWITH: Oh, oh, Jack.

EXECUTIVE DIRECTOR DUNNIGAN: Well, I would certainly welcome your advice on this. I wouldn't think that you would want to see us put in the position of having to do one thing with one person.

We don't have any leverage to negotiate anything for you at that point. So, rather than pass a motion, I think you might leave this at the suggestions level on the record.

CHAIRMAN BECKWITH: Let me ask you a question, Jack. What is there left to do in terms of the price? You've already solicited prices. You feel you can negotiate a lower price, still?

EXECUTIVE DIRECTOR DUNNIGAN: I haven't talked to the vendor so I don't know what's left to do, and I would want to do that. There may be a lot more. I know that Massachusetts and Maine have put a lot of effort into making this work, and I would want to talk to them and learn from them some of the things we need to be on the lookout for.

There may be a lot of issues that appear to be relatively minor now that could be major annoyances to the other states. So, again, I don't object to having you advice.

I'd love to have it. I just would ask you not to pass a motion that says we have to do one thing, because at that point there's no option, and they'll know it.

CHAIRMAN BECKWITH: Phil.

MR. COATES: Well, I understand Jack's desire for this latitude, but I would say that there is a time-sensitive issue here that you identified as far as making a decision today, and the problem becomes more acute as we

take time to negotiate.

I assume the staff is going to get on this right away. The longer it takes the less likely you're going to have anybody but Stouffel being the candidate of choice. It's likely in 2000, anyway, we're going to go with what we have; very likely, I'm sure.

That's what Maine is going to do, and that's three million items of buying power. We have about a half million. So, I think from the standpoint of trying to save money -- but I understand Jack's desire to reach out and see what, you know -- to have the latitude of the Commission, as it were.

CHAIRMAN BECKWITH: Jill.

SENATOR JILL GOLDTHWAIT: Thank you, Mr. Chairman. To Amy's earlier point, since assembling this list of potential vendors didn't include any sort of testing, I would certainly urge that part of the vendor selection address that primary issue of concern to the fishermen, which is are these things going to hold up?

And we have run a very small quality assurance program over here, and it is clear that the tags vary quite a bit from tag to tag. So, I certainly hope that would be a primary part of the selection process.

CHAIRMAN BECKWITH: Okay. My question is do we have a motion or do we not have a motion?

MR. AUGUSTINE: You're going to if you call on me.

CHAIRMAN BECKWITH: Pardon?

MR. AUGUSTINE: You'll have one if you call on me.

MR. COATES: We did have one, but I'll defer.

CHAIRMAN BECKWITH: Do you want to withdraw your motion, Phil?

MR. COATES: I'll withdraw it if -- when is the next Board meeting?

CHAIRMAN BECKWITH: Probably not until after the first of the year.

MR. COATES: So I suspect that -- I mean, if the rest of

the Board is willing to go forward with leaving the latitude of selection up to the staff of the Commission, that's fine, but just understand we have to go forward on our timeframe.

CHAIRMAN BECKWITH: That's right.

MR. COATES: And I will work with Jack, certainly, and raise any of the issues. This business of the void in the tag itself, you know, that little hole in the middle. It's a breakaway feature and we're going to have that eliminated and things like that, any concerns like that.

But time is of the essence, even with now the June requirement. It still requires certain things to be in place. And Maine has an even bigger problem because of their larger volume and their additional aspect of their tagging process, which adds a cost that they recover back for other purposes.

CHAIRMAN BECKWITH: Okay, Amy.

MS. SCHICK: I was just going to comment on Phil's point. The Commission staff will keep all Board members informed as we go along, and we would move on this fairly quickly. But, before any final decisions were made, we could consult with Board members.

CHAIRMAN BECKWITH: Yes, I think as a Board member, I'd like to. Obviously, you're going to work with the vendors, but I'd like you to, if possible, provide us with some kind of a time line. I'd like to know when you're going to have things done. Dieter.

MR. BUSCH: Mr. Chairman, I think the proper protocol would be to, of course, immediately contact the states again, the ones that are using these types of tags, to get the best criteria, and then make sure that the vendors that are in the competition understand exactly the criteria so that we can finalize the bidding process that Jack mentioned.

So, as we move along, as Amy indicated, all of you have to be kept informed and be satisfied with the process and the selection procedure.

MR. AUGUSTINE: Do we have a motion or not, Mr. Chairman?

CHAIRMAN BECKWITH: I think Phil withdrew his motion, and that's okay with you, Pat?

MR. WHITE: If there isn't a motion, I can't second it.

CHAIRMAN BECKWITH: All right, Gil.

MR. GIL POPE: Ernie, I was thinking possibly the states of Massachusetts and Maine might want to give copies of their current contracts, if it's all right with them, to the staff to maybe compile how they did it; find out where the good things were, where the bad things were; also, long-term price may be something that you may want to look at.

I don't know if they have a one-year or two-year or three-year or whatever, so that the tags aren't five cents or ten cents one year and then thirty cents, because you've said that you're going to get them from this one vendor and he can raise the price.

And so I guess that's the details down the road, but it might be good to get copies of their contracts or their ideas as to what's the best way of going about it; like Dieter said, the criteria.

CHAIRMAN BECKWITH: Yes, I think you have raised some good points here. I think the Commission already has Massachusetts' and Maine's contracts, and a number of states have them also.

But you also raised a very good point, and perhaps we could provide some direction for the Commission, what do we envision in terms of this -- I won't call it contract -- business arrangement?

Do we want it to be a one-year, two-year or three-year? I know that's probably a chip you'd like to utilize in securing the best price. What is the Board's feeling on how long the duration of this initial contract should be? Bruce.

MR. FREEMAN: It seems to me it would be for one year with the option to renew it. I mean, the negotiation that we have is that you have a large volume of tags that would be produced for several years, and, therefore, could argue for a better price.

But it would seem that since it's the -- Phil, have you had these in place for a number of years or is this the first time?

MR. COATES: No, this is our first. Ninety-nine was our first.

MR. FREEMAN: Since it's the first year, if there's design problems, you find a tag fails halfway through the season, you'd want to make a change. But it would seem that you'd want certainly to go for a year with the option of renewing it if the tag works to your expectation.

It would give you better negotiating point with the manufacturer because he knows it could be repeated, and it would also drive home the point that the tag has to survive relatively rough handling and cleaning of pots and so forth and abrasion; and, he would be looking for the best material to do that in order to renew the contract.

CHAIRMAN BECKWITH: Is there any other general direction that the Board would like to give to the Commission staff in their preparation of the agreement? Pat.

MR. AUGUSTINE: Thank you, Mr. Chairman. I looked at the New York contingency, and they're saying three years would be more appropriate. If you are going to have a long-term contract, I think the vendor who gets that contract will do his very best to come up with the best product; and within the business agreement that you have with them, if you worked in the corporate world, you know that the longer the contract the better prices you're going to get.

And you can hold the vendor to the time line and/or price line knowing full well that that contract has to come up in two or three years down the road.

If we set our quality standards, as I'm sure Massachusetts and the other states have done for the product they presently have, it would seem to me that the minimum of our standard for these tags should be known to our staff, which I'm sure they are, and we should hold to those as a minimum.

And it just seems to me we're beating a dead horse here.

I mean, it's important to put all the data on the table, but it would seem that we should empower -- we don't have a motion yet -- we should empower the staff to go forward in their best interests on our behalf to evaluate the existing vendor pool that we have meeting our standard requirements for the tag design and the product quality and then come back to us with a final report if, in fact, that's doable.

And they're going to have to do it posthaste. If that's

too difficult, maybe the staff should just be empowered to go ahead and make the final decision and get back to the Board saying here's what we've agreed to, and then the Board can pass judgment on that. But I think we must move off it. Thank you.

CHAIRMAN BECKWITH: Bill.

MR. ADLER: One thing that I would think that they could also ask has to do with how fast the company or a company can get the tags out to the various states.

I know that in Massachusetts we were told that we should order between this particular date and that particular date if we wanted to get our tags by guaranteed this much time.

After that it's going to be a longer time because we've got to issue the Maine tags. So, the idea was that it looked like they had a time slot for us, a time slot for Maine.

And so, I would hope that Jack and the staff, when they talk to any company, would also say, now you can get all of these out at the same time; or, they may say, no, I can't deliver New Jersey until June.

And if New Hampshire runs in here, they can get theirs between the 15th and 17th of March. But anyway, an idea that they ought to ask.

CHAIRMAN BECKWITH: Jack.

EXECUTIVE DIRECTOR DUNNIGAN: Commenting on the last two comments, I don't think that, from the staff's standpoint, we need to have the Board pass the kind of motion that Pat was talking about.

Obviously, that's what we're going to do is look at your requirements as you've stated them. I think we do need to be able -- if we're going to accomplish what was in the previous motion, we need to be able now to do it.

So I would hope that listening to all the things that you've written and decided so far and the things that you're telling us now, we're going to go ahead and make a decision and do something so that we can meet the time requirements Phil Coates talked about a couple of minutes ago.

What Bill Adler just talked about is what I'd like to

hear right now. What are those issues that are on your mind that you want to make sure that we deal with at the time. And you'll find those in your consideration of these five vendors or anybody else that are on the list right now.

Are there any particular things about those proposals that you like and didn't like that you want us to avoid?

Just tell us that. That's all we need right now is establish some kind of record so that we know we're doing what you want us to.

CHAIRMAN BECKWITH: Bill.

MR. ADLER: One quick one would be to check with Maine to see what were the problems they had in their first year.

I think there were some problems with deliveries. And if you check with Maine, they could point out some, perhaps, pitfalls that they've overcome.

There is discussion, and you should be in on it, as to how to make these tags a little bit more durable. You've heard that, but that's an issue. And one of the reasons I brought up the question of ask the company -- yes, they say they can do it -- can they do it when?

Can they do it, because the next question will be are you sticking to the January 2000 deadline for all the states, yes or no? I mean, that had something to do in the back of my mind when I talked about how soon could they deliver the tags if you get the perfect deal.

So, check with Maine and also check with the state of Massachusetts. They probably have a few glitches and they could point them out to you.

CHAIRMAN BECKWITH: Mark.

MR. GIBSON: I don't know if we talked about it before, but how do we guard against counterfeiting under this possible scenario of a single tag manufacturer? Obviously, in each state the fishermen will be required to affix a legitimate tag so you have a hook there in terms of the individual fishermen.

We're going to require some sort of quality control assurances from the vendor in terms of uniqueness of the tag and that sort of thing. But how do the respective states guard themselves against renegade companies or something producing tags? Anybody have any thoughts on

that?

CHAIRMAN BECKWITH: Well, I think that's something that at least two states have some experience with. Before I call on you, I think we really have to give some more thought to what would be included in this business agreement, and I think some of the issues are coming out now.

I think turnaround time is an issue we should give some thought to. Are there any other performance standards that states would like to see in the contract?

And, I'm not quite sure how detailed we should be in terms of the Commission's contract because some states still may need to have some kind of a memorandum of understanding or contract directly with the vendor because they may have particular requirements that other states don't have. George.

MR. LAPOINTE: We have had allegations in Maine of counterfeit tags. And when you have a simple tag that you're paying eight cents for, you're going to get those. What you will be required to do is investigate those case-by-case.

They are imminently counterfietable. To what degree fishermen do it is a legitimate question. We have taken the tact, and it's been reported in the press of a couple high-profile cases where we've counted individual traps to try to maintain our enforcement capability and the support of our fishermen.

So it's something that we'll have to deal with. I suspect to make it uncounterfietable will make it unaffordable for fishermen, and so it's just one of those ongoing concerns that people will have to deal with.

CHAIRMAN BECKWITH: Yes. You know, we probably can't flesh out all the different things that should go into this agreement. It's good that we bring some of these issues out on the table today, but I would encourage the states to contact the Commission as soon as possible with any specific requirements they'd like to see in this agreement.

Any other comments or questions on this subject? Have we covered it in enough detail to move on? Are you comfortable with it? Bill.

MR. ADLER: When is the compliance date?

CHAIRMAN BECKWITH: January 1st the states are supposed to be able to issue tags or authorize issuance of tags.

MR. ADLER: I don't have a problem with that, but there might be somebody.

CHAIRMAN BECKWITH: I think if we're all on line and able to that January 1st, that would be a minor miracle, but that's what we're striving for.

Okay, anything else before we move on? Okay, we'll move to the next agenda item, a`nd that's review of state plans for Addendum 1. And as you recall, we approved most of the state plans at our October meeting.

We could not approve Maine's plan because even though George gave us his plan orally, we had nothing in writing. New Jersey's plan deviated somewhat from what the LCMTs had approved. North Carolina was going to submit a request for de minimis, which they did.

So let's take it right at the top. Amy has Maine submitted a written plan?

MS. SCHICK: Yes, they have. It should be in front of you. It was passed around at the beginning of the meeting. It summarizes their report from the meeting that we had in Warwick, Rhode Island, on October 8th.

CHAIRMAN BECKWITH: George, would you like to go over your proposal again?

MR. LAPOINTE: What I did was write down what I thought I had said at the last meeting. We obviously have a trap tag system in place. Our state trap limit is 1,000 traps per license holder this year.

This will go down to 800 traps per license holder next year. One of our management zones is currently at 700, going to 600 for this year, so some are lower. We put in place an owner-operator law this year so the trap limit will be a boat trap limit as well.

As I said, the trap tag system has been in place for a number of years. In Maine this is our fourth year we have reported on the trap tag system, and Joe has committed to continuing to work with the Commission so that other states can get these going as quickly as possible.

And last I just talk about our enforcement. We have had two cases where, to the credit of our law enforcement people, they have in both cases got enough people together -- in the last case 30 -- and they pulled every trap that a lobsterman had to count individual traps the license holder has.

Those cases are before the Court. This has been costly but it certainly reinforces both the fact that we're serious about enforcing the law and it has been very well received in the lobster fishing community.

And the last thing I have in there is that we did put the circular vent in place, which I believe was an Addendum 1 item, on the first of June.

CHAIRMAN BECKWITH: Okay. Any questions for George? Bruce.

MR. FREEMAN: George, how many trap tags do you issue in Maine annually?

MR. LAPOINTE: I don't know that, to tell you the truth. We've got about three million traps; 2.7 million, I hear from Senator Goldthwait.

MR. FREEMAN: So, you estimate you have three million, and there's people buying less than the maximum?

MR. LAPOINTE: There's some buying less than the maximum. There's a lot, actually, who buy less than that. And Jill was saying that in Zone B, was it, that the average is 500 and something?

SENATOR GOLDTHWAIT: Well, 41 percent of the people in Zone B buy fewer than 500 tags.

MR. FREEMAN: Okay. So, they're allowed up to this larger number and they buy what they use. Thank you.

CHAIRMAN BECKWITH: Okay, any other questions or comments on Maine's proposal? **Do we have a motion to accept Maine's proposal?**

**MR. LAPOINTE: So moved.**

CHAIRMAN BECKWITH: Second by Bill Adler. Okay, any discussion on the motion? Is there any objection to approving Maine's proposal? Okay, seeing no objections, so ordered. And it's approved.

MR. LAPOINTE: And a final thanks to Amy for her gentle reminders to get this done.

CHAIRMAN BECKWITH: Okay, the next item is New Jersey, and do we have anything that addresses that, Amy?

MS. SCHICK: Yes, again, a plan from New Jersey was passed around at the beginning of the meeting, and I will turn it over to Bruce to walk through what that proposal says.

MR. FREEMAN: Thank you. What we have done as a result of the last Board meeting was try to establish a maximum trap limit. We, as a background, probably have the smallest harvest relative to any other state unless they declare de minimis.

Our catches are about 700,000. They have been on the average for the last several years. We also have a maximum of about 200 fishermen or vessels in this fishery, so please keep this in mind.

We harvest on a coastwide base -- if you look at our letter and you turn over to the back, Table 1 shows the harvest from each of the coastal states -- usually about one percent of the coastwide catch.

And although we do have few people, the people who are involved in the fishery, it is a very important fishery as much so as perhaps the state of Maine on an individual basis.

What we are proposing is coming up with a maximum trap limit, bearing in mind that New Jersey has not collected information as to the number of traps fished, nor has the federal agency or anyone else. We simply don't know what it is.

So as a basis for establishing an absolute maximum -- and we will determine the number of traps, a little bit later I'll tell you how -- is essentially take the number of federally licensed vessels, which is about 193, I believe it is, take away the dive boats -- we have quite a fishery, a recreational fishery -- we end up with 177 federal lobster permits.

Add to that 18 additional permits for state waters. George, I want you to note that, 18 fishermen for state waters. That's the high number, okay.

MR. LAPOINTE: Is there a limited entry program in place with that?

MR. FREEMAN: There is now. But as opposed to Maine, it's almost impossible to make a livelihood fishing only state waters, and that's the reason for this low number.

And we essentially add these together. We took the number that has been used, originally supplied by the Service, of 1,000 traps; reduced that to 800; 20 percent reduction, so we simply took the number of federal licenses and the state licenses times the 800.

We got a maximum of 156,000 traps, and that's a number that we would like to have endorsed by the Board as an absolute maximum that could be issued for the state of New Jersey for this coming year.

We believe that the actual number will be substantially less than that. But as George indicated, people not purchasing tags, perhaps that they could, they simply don't use these.

And then we would go back to our LCMT-4, because we have agreed to a procedure for issuing trap tags, but New Jersey has a slight modification. At the last Board meeting, it was indicated we'd go back and work with this LCMT.

We have not yet had the opportunity to do that. We're trying to set a meeting up at the present time. But in no case will the number exceed the 156,000.

And what we're proposing is that fishermen who have a valid federal or state permit, have a minimum of 2,000 pounds as our criteria, would be issued tags, would be issued 1,000 tags if they had no records of actual number of pots fished.

If they did have records and exceed the 1,000, we would recognize that. And then for state fishermen, we'd issue no more than 500 traps, a trap limit. But at no case would this number exceed the 156,000.

Again, we'd need to go back to the LCMT-4 to essentially get the endorsement of this process. Now, we also had a fairly large number of vessels in our state that are mobile gear vessels. Historically they fish mobile gear.

They are mobile gear vessels. They asked -- at our

public hearing that was most of the comments, and John Connell may want to comment because he was at those meetings as well -- that they wanted the opportunity to fish traps.

And so we're trying to provide them the mechanism to do so. We have mentioned this several times to the Board. There is really no provision in the Plan. The only thing we could see is under conservation equivalency.

And what we would do in this case, if they had the verification for catching the 2,000 pounds and a valid license, we would issue them the opportunity to fish up to 500 traps.

But if they did fish the traps, they couldn't have the mobile gear aboard. In other words, they could do one or the other at any specific time. But we made a commitment to these people to allow them to fish traps if they so desired. But, again, the level of total traps would not exceed this 156,000.

**So that essentially is the proposal that we do have. And I would move that, for the purposes of the Board, they accept the 156,000 trap limit as the maximum number of traps that could be issued by New Jersey.**

And that would be my motion. And then as I indicated, we'd go back to the LCMT-4 and 5 to get verification worked out of the actual issuance of the number of traps.

MR. NELSON: Second.

CHAIRMAN BECKWITH: Okay. Pat.

MR. WHITE: Question, Bruce. So people would not have to have any landings' criteria. No matter whether they had ever landed lobsters or not, they'd still have 800 traps?

MR. FREEMAN: No, no, they'd have to have the 2,000 pounds. They'd have to have a valid permit and 2,000 pounds. So if a vessel is a mobile gear vessel and incidentally caught lobster less than 2,000 pounds a year, they could go under the mobile gear provision now at 100 lobsters per trip plus 500 per five day.

They could continue that as the incidental catch, but if they wanted to fish lobster traps, they'd have to meet the valid permit plus the 2,000 pound criteria, and they would be offered the opportunity. Now whether they take it or not would be up to them.

CHAIRMAN BECKWITH: We had Bill and then Jill.

MR. ADLER: At the last meeting, it was my understanding that one of the reasons why the Board did not move on the Plan had to do with the dates of the historical participation dates, which were construed as being more lenient than what the Plan called for. So, to my way of thinking, it was more in the dates that you had put up; was that correct?

MR. FREEMAN: Yes, that's correct and what we'd need to do is go back and discuss this with the LCMT individuals and explain. What we believe is that by extending those dates, we may include another 10 or 12 boats. But we'd have to go back and get concurrence from the LCMT.

MR. ADLER: Okay, but it was almost like what I understood was that the glitch in approving your idea was that rather than anything else?

MR. FREEMAN: Well, originally that was true, but we went in with an openended -- in other words, originally we had no trap cap. This time we're saying, "Look, we're not sure what that number is absolutely, but we want to assure you that this thing is not going to run away from us, and we will put an absolute number on the top."

MR. ADLER: Okay, but those dates are still in there until changed by the LCMT.

MR. FREEMAN: Yes, and that was the motion made by the Board the last time is go back to the LCMT, and we will do that, but we have not, since that Board meeting, done that. We would implement only with approval of the LCMT.

MR. ADLER: All right, but that was the thing that was holding this Board up from making a decision.

MR. FREEMAN: Okay.

CHAIRMAN BECKWITH: Jill.

SENATOR GOLDTHWAIT: Thank you, Mr. Chairman. Bruce, the same question as Pat but regarding the fixed gear fishermen. They will not have to demonstrate any kind of history. They will all simply be assigned 1,000 trap history?

MR. FREEMAN: No, the fixed gear fishermen will also have to demonstrate through verifiable records of the 2,000 pound minimum per year, because we have active trap

fishermen, which probably number 50 or 60. Then the rest of them are mobile gear fishermen that have the multi-species permit that would allow them to catch lobster.

SENATOR GOLDTHWAIT: But as long as they can demonstrate that 2,000 pounds, they'll get assigned an history of 1,000 traps?

MR. FREEMAN: If they're mobile gear fishermen, 500; if they're trap fishermen, 1,000, yes.

SENATOR GOLDTHWAIT: And, one more if I could, Mr. Chairman. That allocation to the mobile gear fishermen will stay within the overall 156,000 traps level or take you over that?

MR. FREEMAN: No. No, it would be within that level.

CHAIRMAN BECKWITH: Gordon.

MR. COLVIN: I'm trying to understand where we are in the process under the management program as it's laid out in the Plan and the Addendum.

The Board, I believe, has approved the Area 4 management program submitted by the states of New York and New Jersey consistent with the Area 4 LCMT recommendations; is that correct?

CHAIRMAN BECKWITH: Yes.

MR. COLVIN: And that this proposal that is before us is not the same as that and is therefore submitted for approval as a conservation equivalent to that which the Board has previously approved; is that correct?

CHAIRMAN BECKWITH: Yes.

MR. COLVIN: Is it ordinary for such conservation equivalency request to come before the Board before they've had Technical Committee or Plan Review Team review and comment?

CHAIRMAN BECKWITH: No.

MR. COLVIN: Another question. The Area 4 Plan, as I recall, was predicated on essentially a cap on trap effort at the level of effort, number of traps by history, by personal use history, in Area 4 during the baseline period.

My question is --I think I'm right about that, I think that that's how it worked -- there was a presumption that effort would not grow above the baseline because individuals would be limited to their history.

How does 156,000 relate to that history? Isn't it likely to be larger and therefore inconsistent and not equivalent? That's my question.

MR. FREEMAN: I would answer this, Gordon, we have no idea. That's the big problem we have. We're going to be getting people coming in with backs of envelopes with receipts for buying trap material and for landings that are not going to be verifiable.

We're going to be down in the D column of what people are going to bring in for records. And quite frankly, we see this as a nightmare, and we're trying to simplify that system.

Again, what Addendum 2 is supposed to do is cap the number of fishermen -- we've done that federally; we've done that within the state -- and then find out what the level of trap use was.

And in our instance we have absolutely no records of any effort, nor does the agency, the federal agency, so this is going to be a total nightmare. And our point is that we're talking at tops of 200 fishermen -- 200 fishermen -- and we're going to the extreme administrative burden of trying to prove every individual.

Now there's probably 20 or 30 boats that have very good records that could come in. They're not going to be a problem. The rest of the boats, the vessels, are going to be a major problem.

We worked with our State Council, our Marine Council, to come up with a system that everyone felt was fair. It was agreed to by the same fishermen on the LCMT, our fishermen but not New York's fishermen. And we're trying to put a process in place within the time line.

And if we don't get some direction, we're not going to be in compliance with this Plan, I can tell you that, because we're not going to have anything in place. So we're trying to come up with a simplified system to get this fishery started.

And this is what we've determined will be the simplest system and one, we believe, will be fair to all the

fishermen that we can implement within the time period.

CHAIRMAN BECKWITH: Gordon.

MR. COLVIN: I understand and I'm sympathetic for the problem. I know what happened, and I know what the record is of the hearings that took place in New Jersey and that was discussed at the last Board meeting.

I guess the concern I have is that there are some entities that have not yet had an opportunity to weigh in on this, the most notably the LCMT for Area 4. And that is an a matter of concern to me in terms of the process.

It may well also be that if some of the Area 4 partners go ahead as they originally agreed to do and others don't, there may be an equity issue that arises there that would best be thrashed out through that same process that we started with.

MR. FREEMAN: Well, the only thing I could say, Mr. Chairman, is that we're going to have to set the LCMT meeting up. What we tried to do in this instance is put an absolute cap on the number to give the Board confidence that this is simply not going to get away from us.

We are not required to do that by the Plan, but we felt it would provide additional comfort level if in fact we took that additional step. This is not what the LCMT-4 or 5 required to do.

So what we're trying to do is put this absolute cap on, go back to the LCMT, hopefully get their concurrence so we can enact this. Again, this Board will not meet until after the first of the year.

If we're to have anything in place even by June 1, we're going to have to have some direction. If we just leave it up to the LCMT and that ends up without a decision, you're going to be back here voting New Jersey out of compliance because that's where we're going to be. We're not going to have time to implement anything.

CHAIRMAN BECKWITH: Yes, Bruce, even if this motion passes, this probably does not satisfy all the requirements you have under Addendum 1. This is probably a portion of that.

MR. FREEMAN: Well, all the other requirements we do have in place, sizes; escape vents. The only thing we're

talking now is the number of traps. We've already limited the number of fishermen.

Federally you can't get a license; state you cannot get a license. We know the number of individuals. All this is is really how many traps are going to be fished.

CHAIRMAN FREEMAN: Okay, what we'd probably need to do is -- if you recall the handout Amy had last time, the check-off list -- we can go down through that and you can assure us what you have in place.

Your written proposal didn't cover everything that is included in that list. Amy is going to walk us through it and you can respond, Bruce.

MS. SCHICK: The black sea bass pot fishery limit, Bruce, does New Jersey have those in place?

MR. FREEMAN: I'm not sure what that refers to. There are no black sea bass pot limits in the Plan. You can fish unlimited number of black sea bass. Our point is that if you have more than 100 lobsters and you're fishing a pot, that is going to be defined as a lobster pot.

So, if you're fishing a pot to catch a sea bass, at least less than 100 lobster, it's going to be a sea bass pot. And if it catches more than 100 lobster, by definition it will become a lobster pot. That's the only way that it's going to work.

MS. SCHICK: The Plan defines a black sea bass -- this is directly from the Addendum 1, Section 2.2, "fish pots used in the black sea bass fishery shall be classified as non-trap gear and subject to the limits on landings by fishermen using gear methods other than traps." And that's the 100, 500 lobsters --

MR. FREEMAN: Right.

MS. SCHICK: -- per day per week provision in Amendment 3.

MR. FREEMAN: And that will remain. In other words, it doesn't change anything. If a fishermen has lobster pot tags, then it's a lobster pot. If he has more than 100 lobster and without the tags, that's also a lobster pot and he's in violation.

There's no other way of determining this because the pots are exactly the same. The only difference is the escape

vent size. And fishermen, depending where they fish, fish them as a lobster pot or a sea bass pot, but there's no other practical way.

The other states that fish sea bass pots essentially are declared de minimis, but it seems to me they would also have to use that same definition. The fact they're de minimis and if they have over 100 lobsters, you could catch 100 lobsters a trip a day and still make enough money to make it a directed fishery for lobster.

So I'm not sure how it's going to be addressed in the other states that have declared de minimis. But from our standpoint, for the sake of this argument, 100 lobsters is going to be the definition of whether you're fishing a lobster pot or not regardless of whether it's a sea bass pot.

CHAIRMAN BECKWITH: So, essentially you're going to allow a fisherman to keep 100 lobsters when he's fishing a pot with an escape vent size smaller than a lobster pot?

MR. FREEMAN: Right, but it's to have to be legal size lobster, non-egg bearing lobster, correct, and that's provided in the Plan now.

MS. SCHICK: Just a follow up on the point that Ernie just made. If someone is fishing a pot with black sea bass vents, the smaller vents, and they have 150 lobsters in their pot?

MR. FREEMAN: They're in violation.

MS. SCHICK: Okay. May I continue through this list?

CHAIRMAN BECKWITH: Yes, go ahead, go down the list.

MS. SCHICK: Okay. Again, I'm going down the provisions of Addendum 1 that are to be implemented. Does the state plan to issue tags?

MR. FREEMAN: Well, our original idea was to have the federal agency do that, but under the motion we just made, we could do it under one of the provisions that deal directly with the vendor.

But, again, 99 percent of our fishing is in federal waters so we'd want to coordinate this with the Federal Service, but we could do it under the contract.

MS. SCHICK: All commercial traps aboard a vessel must be

tagged?

MR. FREEMAN: Yes.

MS. SCHICK: All recreational traps must be tagged?

MR. FREEMAN: There is no recreational trap. I mean, the only trap you can fish would be a commercial trap. So, yes, we'll tag the fins of the divers, but --

MS. SCHICK: In terms of tag issuance and effective dates, January 1st and June 1st, are those the dates that New Jersey is planning on implementing?

MR. FREEMAN: Yes, that is correct.

MS. SCHICK: The mechanism to issue replacement tags, is there something in place that replacement tags could be issued to lobstermen.

MR. FREEMAN: Well, we'd have to put a regulation in place, and we'd do that relative to the contract with the 10 percent provision.

MS. SCHICK: Is there a provision for catastrophic tag loss?

MR. FREEMAN: Let's see, catastrophic. Yes, it's in our proposed regulations.

MS. SCHICK: And the circular escape vent size?

MR. FREEMAN: Yes, I think that's in place already. Yes, that is in place. We adopted that and that's effective already.

MS. SCHICK: And then the Area 4 and Area 5 trap limits are in question right now on the table. And allocating traps under Scenario D is also what's being discussed, the 2,000 pounds.

An appeals for process for trap allocation, is that done through the state agency?

MR. FREEMAN: Well, the only process, we have an administrative procedures process, and it's quite lengthy but that's the only procedure we could use, and that's the one that would have to be used.

MS. SCHICK: And have there been any changes to your monitoring and reporting program?

MR. FREEMAN: Well, the license would require the reporting. The fishermen with the license can only sell to a federally licensed dealer, so the reporting requirements would be fulfilled. Plus we have a provision to go aboard the vessels and collect biological samples.

MS. SCHICK: That completes all the provisions.

CHAIRMAN BECKWITH: Okay, we have a motion on the table. How do we want to proceed? Any other discussion on this motion? Harry.

MR. MEARS: Bruce, I'm a little unclear about the 2,000 pound and valid permit criteria. How does that apply to otter trawl fishermen?

MR. FREEMAN: Well, that was the criteria that we developed, Harry, under LCMT-4.

MR. MEARS: Okay, if they should meet that, then what does that mean under this proposal for otter trawl fishermen?

MR. FREEMAN: Well, if they're otter trawl, they'd have the opportunity to fish up to 500 traps.

MR. MEARS: Okay, and that's if they caught 2,000 pounds of lobster by what method, any method?

MR. FREEMAN: Well, if they're mobile gear, they would have to be mobile gear fishermen, so they could take it by mobile gear. And if they're trap fishermen, some of these boats historically were trap fishermen and have now become groundfish, for example.

MR. MEARS: Okay, just one more question. Does this pertain to New Jersey residents who fish in Area 3?

MR. FREEMAN: The Area 3 provisos would be more stringent. There'd be a higher criteria to enter that fishery. The poundage would be greater. I think it's 25,000, so Area 3 would carry with it a more conservative or actually a greater performance criteria as established by the LCMT-3.

MR. MEARS: So this is not intended to supersede that particular --

MR. FREEMAN: No.

CHAIRMAN BECKWITH: I have Gil and then Bill.

MR. POPE: Bruce, one quick question. Did I hear you right? You said that New Jersey has no recreational pot fishery at all?

MR. FREEMAN: No. Well, you'd have to get the permit. You could keep the lobster, but it's a commercial permit to fish traps or pots.

MR. POPE: Also, I was just curious as to what your reasoning was on that 500/1,000 as far as the amount of pots that you would -- it was just a guess or did you --

MR. FREEMAN: No, we had discussion at the various LCMT meetings and also with our fishermen as to what would be a representative amount, and their best determination would be that's the number.

It is somewhat arbitrary, but it's based upon their experience. Some fishermen would fish 800, some fish 1,200, and some fish 500, and that's the number they arrived at.

MR. POPE: That's going to pass muster with the courts and stuff like that?

MR. FREEMAN: Well, we hope so, but that would be a determination made when we met with them. There's a time problem here. And, again, since the Board is not going to meet until after January and we waited until that period, we'll never get a regulation in place, to meet the June 1 deadline.

CHAIRMAN BECKWITH: Bill.

MR. ADLER: Does this vote mean that we're accepting New Jersey as a done deal or is this vote just simply saying that we're accepting this concept of the New Jersey Plan as being, yes, you can do that?

My question then goes back to do we have to wait until after the LCMTs meet to see them change those dates, which were the hang-up last time? And I'd like to know, does that mean that we've accepted New Jersey and we're done?

CHAIRMAN BECKWITH: No, we've only accepted part of their proposal to satisfy the requirements of Addendum 1. That issue of the dates still has to be resolved. Pat.

MR. AUGUSTINE: Thank you, Mr. Chairman. Would New

Jersey respond to a possibility of expanding this motion to include something that deals with if in fact the LCMT reviewed this and did not concur, that you would revert back to your present position?

And, again, we're concerned with timing, Bruce, And I think only you can answer that. Would it be possible to do that and would it accommodate you?

MR. FREEMAN: No. No, again, we'd be accommodating, but we just need to move this process. Otherwise, we're going to stall it. It's just not going to be in place. And, again, we went to the extreme of putting an absolute higher number on the pots that was not required of anyone in order to give this Board more comfort that we're trying to move in a positive direction.

And as indicated, we'll go back to the LCMT-4 to explain what we're doing; let them look at the numbers and then feel comfortable with what we're doing.

CHAIRMAN BECKWITH: Pat, you had a comment?

MR. WHITE: Yes, I just had a question. I think Pat Augustine asked it. Can we vote on this without approval from the Technical Committee or recommendation?

CHAIRMAN BECKWITH: The Board can do whatever they choose to do.

MR. WHITE: Procedurally, Mr. Chairman, is that --

CHAIRMAN BECKWITH: Generally, as Gordon raised that point, anything dealing with conservation equivalency, we generally refer it to the Technical Committee and they give us some advice. That hasn't happened this time. Carl.

MR. CARL LABUE: Just on face value, being that the Technical Committee doesn't know how much gear would be allocated in the LCMT Plan as written for New Jersey fishermen, I don't see how it's possible to compare the two. So I wouldn't wait for that before making any decision.

CHAIRMAN BECKWITH: Okay, I think we should try to move along here. This is a very important issue, obviously. Are there any other comments to the motion? Are we ready to vote on the motion?

SENATOR GOLDTHWAIT: Could we have a minute?

CHAIRMAN BECKWITH: Yes, we'll give you a minute to caucus and then we'll call the roll. I'm going to have Amy call the vote.

MS. SCHICK: Maine.

MAINE: No.

MS. SCHICK: New Hampshire.

NEW HAMPSHIRE: Yes.

MS. SCHICK: Massachusetts.

MASSACHUSETTS: Yes.

MS. SCHICK: Rhode Island.

RHODE ISLAND: No.

MS. SCHICK: Connecticut.

CONNECTICUT: No.

MS. SCHICK: New York.

NEW YORK: Abstain.

MS. SCHICK: New Jersey.

NEW JERSEY: Yes.

MS. SCHICK: Maryland.

MARYLAND: Abstain.

MS. SCHICK: North Carolina.

NORTH CAROLINA: Yes.

MS. SCHICK: National Marine Fisheries Service.

NATIONAL MARINE FISHERIES SERVICE: Abstain.

MS. SCHICK: Four in favor, two opposed, three abstentions.

CHAIRMAN BECKWITH: The motion passes. Bruce, when do you plan to call your LCMT together?

MR. FREEMAN: Tomorrow afternoon. We're in the process of working with the fishermen and coming to a convenient date as soon as possible; hopefully, within the next week or two.

CHAIRMAN BECKWITH: All right, are we ready to move on to the next item on the agenda, which is North Carolina? North Carolina submitted a request for de minimis, and Pres, do you want to walk us through your letter of request.

MR. PRESTON PATE, JR.: The letter should have been handed out to all the Board members this morning. Mr. Chairman, the request is very straightforward. Under Section 4 of Addendum 1 to the Lobster Plan states can be granted de minimis status if they have landed 40,000 pounds for the most recent two years for which data is available.

**North Carolina has landed 527 pounds during the landing years of 1997 and 1998. And between the years of 1981 and 1998, we've landed only a total of 692 pounds. So, based on that information and my interpretation that we're consistent with the criteria for de minimis status, I make the motion to be granted such.**

MR. NELSON: Second.

CHAIRMAN BECKWITH: Okay, is there any discussion on the motion? Phil.

MR. COATES: Pres, is there a southern lobster? (Laughter) Thank you.

CHAIRMAN BECKWITH: Any other discussion or comments on the motion?

MS. SCHICK: Just to point out the North Carolina proposal and request for de minimis, under Section 4 of Addendum 1 all states with de minimis status are required to implement Section 3.1 of Amendment 3, and that's the seven coastwide requirements.

North Carolina currently has in place three of those requirements and does not have four other ones. The four that are not in place are the provisions for non-trap gear; the prohibition on landing lobster parts; the prohibition of spearing lobsters; and the prohibition of landing V-notched female lobsters.

So I wanted to bring this to the attention of the Board.

Currently under Addendum 1 these things would be required by a de minimis state.

CHAIRMAN BECKWITH: Pres, you want to comment on that?

MR. PATE: Well, as the landings indicate, Mr. Chairman, lobster are not a very hot management item in our state, and we've had some other issues pressing our regulatory attention for the last couple of years.

We can certainly move forward with the development of these rules. It shouldn't be controversial and we can implement them under our temporary rule authority to come in compliance with the Plan.

CHAIRMAN BECKWITH: Okay, I think I'll have staff write you a letter and point out those items you have to put in place.

MR. PATE: That'll be fine.

CHAIRMAN BECKWITH: John.

MR. NELSON: I think when we did the other de minimis situations, Mr. Chairman, we had in the motion the verbiage saying that understanding that the state would still be in compliance with 3 point, whatever it is.

MS. SCHICK: Three point one.

CHAIRMAN BECKWITH: Right.

MR. NELSON: Three point one, and so if that could be added to the motion, I think that would be helpful, probably save a letter.

**MR. PATE: Mr. Chairman, I'll amend the motion to include that language.**

CHAIRMAN BECKWITH: Okay, thank you, the seconder doesn't have any objection? I forgot who that was.

MR. NELSON: No.

CHAIRMAN BECKWITH: Who was the seconder?

MR. NELSON: I did. I have no objection to my suggestion.

CHAIRMAN BECKWITH: Does she need any help?

**MS. SCHICK: Heather, after the word "status" on top, on the first part, just add "with the understanding that**

**North Carolina will implement Section 3.1 of Amendment 3."**

CHAIRMAN BECKWITH: Okay, any other discussion on the motion? Okay, is there any objection to approving this motion? Seeing no objection, so ordered, and it's approved.

All right, let's move on to the update on state/federal agreements. I understand that the National Marine Fisheries Service has met with several states. And, Harry, could you give us an update on what you people have been working on?

MR. MEARS: Yes, Mr. Chairman. Following our last Lobster Board Meeting, a letter was sent to each state director essentially summarizing those discussions and also the agreement and the need to discuss the potential for state/federal agreements relative to two areas.

The one area relates to what has already appeared in the proposed rule for lobster management in the EEZ. And this is the proposed rule which would withdraw the New England Council Plan and substitute regulations under the Atlantic Coastal Act.

In the description of trap tagging requirements, there was a reference that there would be an openness and need in line with area management throughout the range of the resource to look at the potential for state/federal agreements or appropriate agreements to accommodate the trap tagging requirements.

The second issue of interest to the National Marine Fisheries Service, as discussed at the last Lobster Board Meeting, relates to a separate but related issue concerning actions under Addendum 1 to Amendment 3 of the Interstate Plan relating to historical participation in Areas 3, 4, and 5.

And as you might recall, there were, at least with regard to the Area 3 proposal, three scenarios whereby historical effort could conceptually be offered to document previous participation in the fishery.

The first scenario depended upon availability of federal documentation. The second depended upon state documentation. And the third scenario was a menu of other possibilities that would document, number one, actual fishing in Area 3 and also the magnitude of fishing effort.

And as part of our reading of Addendum 3, these scenarios would also pertain, at least to varying degrees, to historical participation decisions to be made in Areas 4 and 5.

So, based upon those discussions as well as recommendations which have been submitted to the Secretary from the Commission as a result of Addendum 1, we have met with three states: Maine, New Hampshire and Massachusetts.

It's my intent to meet with the remainder of the states hopefully during the month of November. This information again will serve the two purposes which I initially alluded to: first, state/federal agreements for trap tag management; second, an upcoming proposed rule to evaluate historical participation in Areas 3, 4, and 5; and also to look at other related issues which have occurred during previous Board meetings, such as New Hampshire's request for a conservation equivalency.

In a nutshell these meetings were informal, the way they were intended to be. I think it'd be safe to indicate that there is certainly an openness between the three states and the National Marine Fisheries Service to go forward, to keep the agreements as informal as possible, to come up with a strawman in the immediate future, to be reviewed by each party.

Some of the issues which have been discussed to date, which have been acknowledged, not necessarily with resolution, is the fact that the National Marine Fisheries Service licenses vessels whereas each of the involved states licenses individuals.

This was looked at as an issue which needs to be addressed but not necessarily one which can't be overcome. Another item of discussion was the extent to which the states would be interested and willing to administer trap tags to Area 3 fishermen for residents residing in the respective states.

There are also differences between state and federal fishing years. Similar to the permitting issue, the vessel versus individual being licensed, this again is a matter which needs to be evaluated by each side.

And, again, I think it's fair to say that it's one we need to deal with; but, then, again, one which hopefully there could be found a resolution to. And I think I'll leave it there, other than indicating that these discussions are extremely important from my perspective

in order to work forward to eventually come up with one resource, one plan.

And one of the difficulties, as I think everyone can appreciate, is the need for these agreements and what needs to be contained in these agreements essentially changes board meeting by board meeting. It's like a moving target.

And couple that with the slowness of the federal bureaucracy, it's a major challenge. But nevertheless, I think that's our mutual challenge to eventually arrive at these state/federal agreements.

CHAIRMAN BECKWITH: Okay, thank you, Harry. Any questions for Harry? Okay, any other comments on the issue of state/federal agreements? Okay, it sounds like we're moving ahead and we're looking forward to meeting with you, Harry, even though we only have a few people that would be affected.

Okay, let's move on, and we're down to other business. And the first item is there was sort of an ad hoc meeting put together to look at the issue of trap tag transferability, and I believe Bill Adler will give us a summary of that.

MR. ADLER: Thank you, Ernie. The meeting that we held was on October 27th. It was held at the New Hampshire Fish and Game Office in Durham, New Hampshire. We called it a trap tag workshop.

I have to say that Bonnie Spinazzola was the one that sort of put this all together. And it was based on the fact that we have some problems in the wording in the Addendum that has to do with the transferability of trap tags.

So that was the basic thing was to try to address these problems with law enforcement officials. There were 13 people present. They represented two different state divisions. The National Marine Fisheries Service was there.

There were about five enforcement officers from states. They all had guns. There was the National Marine Fisheries Service enforcement person, and we had four representatives, if you wanted to count me, four industry representatives.

First of all, the discussion was whether or not it was a sanctioned ASMFC meeting, and that went on for about a

few minutes and finally we decided, well, official or unofficial, we've got to get this solved, and we all agreed.

The main topic under the transferability, there were two basic problems; first of all, the problem in the Addendum that basically says that they can't set new tagged traps in the spring because the tags did not become valid until June, and they couldn't get tags off the old traps, what do they do for a few months? That was the first issue.

Upon reading the final draft of the Addendum under Section 2.3.5, page 3, it was determined that given the wording in the current Addendum that says the tags must be purchased -- I think it is how it's worded -- must be there by June 1st, law enforcement officials together with industry and division figured that this problem has now been solved and that it isn't a problem as stated in the Addendum.

They then moved on to the second problem, which is the transferability of traps when they want to bring in some traps and put out some replacement traps in the course of the year. This doesn't necessarily have to do with brand new traps at the beginning of the season.

And following a discussion on why there can't be transferability and a discussion by the fishermen as to why there has to be some type of transferability, the group worked on what became known as the Trap Tag Exchange Program.

Now all of this can be done without any changes in the Addendum wording. Using the Addendum wording that's already there, mostly on page 3, all of these things can be done through basically interpretation and also working with the states.

But it does not go against any of the Addendum wording here. And the Trap Tag Exchange Program would basically indicate that a fisherman could call in that he wants to get some replacement tags. He could get those replacement tags from the state.

However, within a certain amount of time, to be determined by a meeting between the state officials and the fishermen, the fisherman must return to the state a one-for-one, a trap replacement or a trap exchange, the tags that he brought in and cut off.

So basically law enforcement did not have a problem with

the idea of get the tags, put the new traps out or the replacement traps out and then within -- let's use this -- one week, two weeks when the fishermen brings the other traps in, he cuts the tags off and he sends it back so that if he asks for a hundred replacement tags, he'd have to return 100 cut off tags.

And the details could be worked out with the state. Law enforcement did not have a problem with that, and it didn't sacrifice the no-transferability procedures. So that was one thing.

And I do have wording that was drawn up by those present. Actually it was one of the officers that drew it up. And his wording which I can submit for the record was "notwithstanding the provisions in Addendum 1, license holders - vessels - may trade in old trap tags in a manner approved by the issuing authority for replacing tags on a one-for-one basis to allow for necessary gear rotation and maintenance."

And that was the wording, the technical wording, I guess, of how it could be done. It all falls within the words on page 3 of the Addendum, however. Following that, they got into a discussion of the wording on the trap tag and how it would be used.

There was nothing dramatic about that. It was basically going over the Addendum. There were no disagreements. Who issues the tags? They all agreed, law enforcement and the state people that were there and the industry, agreed don't let NMFS issue the tags. Sorry.

They basically said that the best thing would be to have the states work with the feds, and even in Area 3 have the states be the issuing authority. It would be less confusing, believe it or not, and would probably be quicker than having the federal process work.

I know that there was mention of what was proposed in the federal -- I don't know if it has changed because it hasn't come out from behind the green door yet, but the federal plan had some type of a process that seemed to be very long if you needed to get a tag quick.

And the states seemed to do a better job of getting the tags out quickly. So that was just one of the discussions. There was also discussion of the trap tag construction. The Canada tag doesn't seem to have that weak section that our tag currently has, which might be part of our problem.

There was a brief discussion on New Hampshire's open access tier level. New Hampshire promised -- we were in their building. We had to be careful -- New Hampshire promised that they were fixing that system.

There was a discussion on how the tag system will be enforced. Enforcement indicated how they would be doing this. And there also was a question of possible call-ins if somebody feels that a tag had been stolen or cut off by some unscrupulous other person, that a call-in would be possible, and it was workable under 2.3.6 covers it so that would be not a problem.

And the final thing was law enforcement reiterated that the traps must be tagged when they are placed aboard the vessel. And that's the distinguishing, not at the pier, not necessarily after they're in the water, but when they're placed aboard the vessel. And that's my report.

CHAIRMAN BECKWITH: Thank you, Bill. Bill, I do have one comment and concern myself on the first item that you reported on. And I believe that even though the Plan is not as clear as it should be, the intent of the Board was not to have tags effective until June 1st.

And I believe we covered this in some of our Board meetings and it should be reflected in the minutes, I know for a fact, and in some of our trap tag meetings we covered that. Because, if you allow those tags to be effective before June 1st, then conceivably someone could fish double traps.

MR. ALDER: Okay, we understand that was the reason behind it. The problem that's come up is there's been no solution such as issuing a two-month tag to get you from point A to June because you can't take the tag off of last year's trap and use it.

Therefore, does the state then issue a two-month tag for the next year until the next tag becomes available? And this gets into a serious problem, I think, which you're going to have this coming year.

And if you need a solution, then maybe you've got to work on a solution to that problem. You're talking about the "not valid until June" issue.

CHAIRMAN BECKWITH: Yes, it's not a problem for the Year 2000. It will be a problem for the Year 2001.

MR. ALDER: Well, it could be for 2000, and we have, as

you can imagine -- just for an example, let's say everybody had an 800 pot trap limit. I'll just use that. Eight hundred pots are used up. The tags are used during that year, and their eighty are used for whatever reason.

Along comes March and the guy sets 200 brand new traps. He has brand new tags, but he has no old tags to use. And there's probably several thousand of these people. So they're going to be coming into their various states asking for some type of something so that they can set in, let's say March, they can set their new traps and they can't use the tags out of the -- you know.

That's the problem. What do we do? Do we set up a whole new temporary tag program or do we find another solution? And the existing wording in the Addendum, of course, the problem is in there.

There is a feeling that this needs to be addressed. You could have a state who is concerned about this move that date from June to March, which is not less restrictive. I believe it's more restrictive.

And then you cut down on the amount of time that somebody could play games. And they'd be playing games in January and February, if they want to, rather than you're worried about it between January and June.

A state concerned about that could move that June date back without upsetting the Addendum. That was just one solution. That group was going by the words that they were reading in front of them that were in the Addendum. I'll stop.

CHAIRMAN BECKWITH: Okay, thank you, Bill. And I had forgotten there are two states that already have a trap tag system in place and it is a problem for those two states this year.

There is no good solution on the table at the moment for this. There is a solution in the short-term, and it actually can be addressed through your second proposal for the trap tag exchange. Fishermen can do that.

But, unfortunately, they would be buying tags twice. It would cost them more money to do that. What you can do is take your current year tag, take it off of your trap, trade it in, and get a new current year tag, and then you'd have to buy the next year's tag to put it on your trap after June 1st.

So it would cost you more money. But I think probably the way to proceed with this -- we don't have time to really discuss the issue today because we're just about out of time.

The Commission was going to have a special-sanctioned meeting to discuss this issue and other trap tag issues this year, but, unfortunately, the budget would not allow them to do that. We ran out of money, as you know.

But my understanding is that, and correct me if I'm wrong, Amy, but isn't the plan to have a meeting to address this issue after the first of the year?

MS. SCHICK: That is correct.

CHAIRMAN BECKWITH: Okay. Gordon.

MR. COLVIN: I just have a question about this in the context of our discussion earlier about an agreement with the vendor. If I understand at least part of the concept that Bill outlined, fishermen could surrender tags and get replacement tags on a one-for-one basis within the year following the issuance of their tags.

And the new tags would have to have all the same information as the original tags. I'm not sure that any of the discussions we've had to date with vendors would address that kind of a continuing low-level issuance of customized tags.

And I can't imagine that a vendor would produce tags at anywhere near the rates that they quoted to us on that basis. Am I seeing this wrong, or is that a real problem?

MS. SCHICK: It was not specifically outlined the way that's been discussed right now to the vendors. I believe the state of Maine orders 5,000 sequentially numbered tags and that's what they're using as their replacement tags.

They identify the license number and the individual to a sequentially numbered trap tag as a replacement tag. In the past, I believe they've ordered 5,000 of those tags, and they haven't had many requests for replacement tags.

Under a program that Bill has outlined, it seems to grow in its scope if you have a trap tag exchange program like that. And that would have to be a consideration run past the vendor to see what sort of additional costs would be incurred by having low orders later in the season and

what the mailing costs and costs per tag would be under that situation.

CHAIRMAN BECKWITH: Now, that's certainly a valid issue. I believe that it is in some way similar to the issue of having the vendor issue tags for the recreational fishery, because that's a low numbered, frequent type of occurrence.

And my understanding was that the vendor that currently supplies Maine and Massachusetts said they could deal with a recreational fishery. And if they could deal with that, then I would assume they'd be able to deal with this kind of an exchange program also.

Maybe that's a large assumption, but I think that's something that we definitely have to follow up with the vendor. Jack isn't listening, but that's one of the things that I think when you talk to the vendor you've got to bring that issue up.

We in the state of Connecticut had planned on doing that to allow rotation of gear. In fact, we have that in our draft regs at the moment, so we'd like some clarification on that issue right away.

Okay, we're just about out of -- we are out of time. Is there any other business to come before the Board today? Pat.

**MR. WHITE: One order of business you had was to elect a Vice Chair, and I would nominate George Lapointe.**

CHAIRMAN BECKWITH: Okay, is there a second? Do we need a second? Yes, do we have a second for George's nomination?

MR. COLVIN: Second.

CHAIRMAN BECKWITH: Okay, seconded. I'm trying to recall how we do this. I don't think we actually take a vote, don't we? Do we actually have to vote? Oh, just say does anyone have any objection to George being elected Vice- Chair. Oh, yes, you're right. Are there any other nominations for Vice-Chairman?

MR. AUGUSTINE: Mr. Chairman, I move to close the nominations and cast one vote.

MR. COATES: Second that.

CHAIRMAN BECKWITH: Okay, I think that's all we have to do, is that right? I need help here.

MR. NELSON: By acclamation.

CHAIRMAN BECKWITH: I guess George is elected Vice-Chairman. Do we need any action to have Gordon installed as Chairman, or does he just naturally ascend to the --

MR. NELSON: He ascends the throne.

CHAIRMAN BECKWITH: He just ascends. Okay, Jack.

EXECUTIVE DIRECTOR DUNNIGAN: Mr. Chairman, you've got to vote.

CHAIRMAN BECKWITH: We have to vote. Do we need a nomination or how do we do it, Jack?

EXECUTIVE DIRECTOR DUNNIGAN: You should have a nomination, anybody you want, nominations.

MR. COATES: Nominate Gordon Colvin for Chairman.

CHAIRMAN BECKWITH: Okay, we have enough. Is there a second?

MR. NELSON: Second.

CHAIRMAN BECKWITH: We have a second. Would someone like to make a motion to cast one vote? Pat.

MR. AUGUSTINE: Yes, I make a motion to cast one vote, Mr. Chairman.

CHAIRMAN BECKWITH: Okay, then Gordon Colvin is elected Chairman of the Lobster Management Board. Thank you, Gordon.

MR. NELSON: Just a point of order. I thought we already had a Vice-Chair and that was Gordon. I don't think we've ever voted to have the Vice-Chair become a Chair. I think it's always been done when the term is up.

CHAIRMAN BECKWITH: Well, blame him.

MR. NELSON: I know. I just had to correct our Executive Director. And he can correct me, I'm sure, but I understood that was always the process that we had in place and that -- I don't mind Gordon being elected

twice, but I think we just --

CHAIRMAN BECKWITH: Well, okay, anyway, it's over with. We've run out of time here. One item that was brought up at the start of the meeting was an update on the lobster mortality in Long Island Sound. Would you like to take a few minutes to do that? What's the Board's pleasure?

MR. FREEMAN: Let's do it right now.

CHAIRMAN BECKWITH: Do you want to do it right now? Do you want me to do it, Gordon?

MR. COLVIN: Well, I was actually going to suggest that maybe Carl might want to get it started, having been out on the boat somewhat and talked to a number of the lobstermen.

MR. LABUE: Just to fill you in if you don't know, we started getting calls in mid-September from Connecticut fishermen and New York fishermen from the Western Long Island Sound that they were getting significant numbers of dead lobsters in their traps.

A similar event happened last year at the same time of year, although this event seemed to be a bit worse. We've been sending out samples collected on board of cooperating lobstermen's vessels of moribund lobsters.

We haven't got any conclusive results back from this. We had a meeting in Connecticut with some people that were concerned about this. And we have mobilized a consulting firm contracted by the state of New York with cooperation of the Connecticut DEP research vessel to do some sediment analyses to try and address whether this is a habitat issue or some sort of pathogen.

Regardless, from being out on the boats last week, it seems that the event is either slowing down or over with.

And without knowing the cause, we will not really know the extent of this probably until Christmastime or so to see if we get a fall run in the Western Sound or not. I don't know if Gordon or Ernie wants to add anything to that.

CHAIRMAN BECKWITH: Yes, I could sort of give an overview also. We generally have a low level of lobster mortality in the Sound just about every fall, but it's at a relatively low level.

And periodically it becomes much more severe. We had an event back in '91-'92. We had one last fall and again

this fall. Most of the problem, even though it does occur to some extent throughout the Sound, seems to be focused and more severe in the Western Long Island Sound.

For us on our side it's from Norwalk west, and the farther west you get, the more severe the problem seems to be. And we've gotten an awful lot of anecdotal information from the fishermen.

And we also have a log book system as you know, and we've looked at landings July and August, most of August. I don't think all the information has been entered into the system.

But generally for that area that's the most affected Norwalk west, we're probably looking at about, overall, about a 30 to 35 percent reduction in landings from last year.

But if you look at some of the far western ports, for instance Greenwich and Stanford, if you look at the landings for those two ports, from our log book data it looks like it's off at least 70 percent.

And some of the fishermen in the Greenwich area have said that their personal landings have been off as much as 90 percent. And a lot of the fishermen down there have just given up. They just stopped fishing for this year.

As Carl has said, we really became aware of this was going to be a more severe event sometime during early- or mid-September. We were cooperating with the National Marine Fisheries Service Laboratory out of Milford, and we took some samples of moribund lobsters.

It also affected crabs, too, blue crabs and spider crabs. And we brought those down to the NMFS lab in Milford, and Dr. Dick Robaum, pathologist, looked at the blood. He also cultured the blood and some organs and really didn't come up with much at all.

The blood looked very clear. He did have a positive vibrio and we did give him some healthy lobsters. And he injected the vibrio into the lobsters and did not produce any symptoms at all.

As far as I know as of last week, those lobsters were still doing quite fine. Carl and my staff have taken samples and sent them to various laboratories. We were working with the Maine Lobster Institute.

And we sent samples to the same labs that they sent to last year, at an FDA lab in Washington and a crustacean expert in the University of Arizona. And some of those samples have come back, I believe.

MR. LABUE: The virus samples all came back negative, blue crabs and lobster.

CHAIRMAN BECKWITH: They came back negative. As I think Gordon mentioned or Carl mentioned, we had sort of a lobster summit about a week ago in Milford. We just went over what we have observed and the results of our action to date and set out a five-point strategy in terms of what should we do in terms of what should we do further this year and what should we do next year?

This problem isn't going to go away, it's been around for a long time. And it's quite severe this year, but we know it's going to occur again. So we're going to -- and help me out, Gordon, if I forget some of these things, but we're going to continue the pathological work we've done.

We're going to do some work on histology, actually look at the tissues of the lobster to see if there's any damage or presence of any toxic materials in there. We're doing a survey of lobstermen, both Connecticut and New York, to better characterize what's been going on, because all the information we have is pretty much strictly anecdotal information.

We also want to do work on the sediment chemistry and the interface chemistry between the sediment and the water column, and do some ROV work or do some visual observations of what's actually occurring on the bottom. Anything else, Gordon, or add anything else to that?

MR. COLVIN: Well, I think in terms of what's going on now, that pretty well covers it. I think a couple of recent developments -- as you probably know, New York, Connecticut and EPA are partners in the Long Island Sound Management Conference, which is one of the NEP programs, is one of the oldest of the NEP programs.

Under the Conference, EPA has indicated that they're going to assist and hopefully make some funds available for assistance to the states in kind of this longer-term continuation of the various strategies that Ernie outlined.

And we just got word of that at the end of last week. That will likely kick off with some kind of a technical

workshop this winter where we try to bring together what information or what little information we've got so far along with some of the experts who've helped us with this, both pathologists as well as some people who might help us develop some hypotheses with respect to environmental conditions that might be the cause.

If we don't get any positive indication that the pathology is caused by some kind of an infection or parasite, we're going to have to start looking at some much more sophisticated hypotheses with respect to environmental conditions.

I know one of the things that we're interested in is the prospect of something happening at the sediment-water interface following the time of the year when the bottom of Long Island Sound, which is hypoxic in the summertime, re-oxygenates, and hydrogen sulphide and ammonia released from sediments are two of the things that have been suggested as worth following up on.

And we may get some insight about those things as a result of the remotes and ROV technology that's being applied out in the Sound right now. But expect to hear the announcement about some kind of a workshop on this some time this winter.

CHAIRMAN BECKWITH: Okay, I guess we're adjourned. John Nelson.

MR. NELSON: Just one last request, Mr. Chairman, and that was in regards to Bill's meeting, which I think was very helpful to deal with a lot of enforcement concerns, I would like to see that information captured.

And if he and Bonnie could get together and produce a report to the Chair, then I think it would be helpful for any additional meetings so we didn't recreate the wheel. Thank you.

CHAIRMAN BECKWITH: Thank you. Pat.

MR. WHITE: Yes, one next-to-the-last request. Bill also brought up the question that reminded me, although we gave approval to the New Hampshire Plan at the last meeting, there was a discussion of the multiple people and licenses and trap limits per boat and a no cap on the segment of their society, and I wondered if that could be on the agenda for the next Board meeting. That's all. Thank you.

CHAIRMAN BECKWITH: Yes. When is the next Board meeting, January?

EXECUTIVE DIRECTOR DUNNIGAN: No Board meetings have been set yet. The next ASMFC meeting week is the first week in February.

CHAIRMAN BECKWITH: Okay, we're spilling over into Habitat, I think, so I think we should adjourn. Thank you.

(Whereupon the meeting was adjourned at 3:45 o'clock p.m., November 1, 1999.)

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