

ATLANTIC STATES MARINE FISHERIES COMMISSION

AMERICAN LOBSTER MANAGEMENT BOARD

Holiday Inn By the Bay                      Portland, Maine

June 6, 2000

---

**Table of Contents:**

APPROVAL OF AGENDA ..... 2

APPROVAL OF APRIL 2000 MINUTES..... 2

PUBLIC COMMENT..... 2

LOBSTER STOCK ASSESSMENT PEER REVIEW REPORT ..... 2

SCHEDULE FOR ADDENDUM II ..... 10

REVISED LOBSTER MANAGEMENT PROGRAM OPERATIONS ..... 14

REPORT ON STATE COMPLIANCE..... 32

NMFS STATUS REPORT ..... 33

CT REQUEST FOR TRAP TAG TRANSFERABILITY..... 35

TECHNICAL COMMITTEE REPORT ..... 45

AMENDMENT 4 PID ..... 48

OTHER BUSINESS..... 54

**Attendance:**

Amy Schick	G. Ritchie White	Herb Drake	Brian Turbox
Gordon Colvin	Pat Augustine	Artie Odlin	Anne Porter
Ralph Maling	George Lapointe	Kathy Castro	Patrice Farrey
David Stevenson	Jill Goldthwait	Robert Smith	David McCarron
Bob Ross	Pat White	John Solien	Greg Hansen
Harold Mears	Michael A. Rice	David Spencer	James Wilson
G. L. Gunther	Gil Pope	Bonnie Spinazzola	Bob Nudd
Lance Stewart	Mark Gibson	Robert Munson	Lew Flagg
Ernie Beckwith	Carl LoBue	Todd Jesse	Penn Estabrook
Vito J. Calomo	David Borden	Bill Andrews	Laura Taylor
Jim Fair	John Mason	Peter Burns	Terry Stockwell
Bill Adler	Bob Steneck	Allison Ferreira	Gregg Waugh
John Connell	Richard Allen	Tom Warren	Charlie Anderson
Bruce Freeman	Carl Wilson	Walt Gardiner	Victor Crecco
Ron Guns	Jim King	Dana N. McIntire	Jerry Carvelho
Melvin Shepard	Janice Plante	David Wessel	Thomas Angell
Pete Jensen	Stephen Ouellette	Bill Doane	
Dennis F. Abbott	Don Landers	Willis Spear	
John Nelson	Susan Forady	Frank Strout	

**Motions:**

**Move that the advisory panel membership be 4 each from Maine and Massachusetts, 2 each from New Hampshire, Rhode Island, Connecticut, New Jersey and New York.**

Motion carried by show of hands.

**Move to amend by striking the last clause after the semicolon [“; and 1 each from the states south of New Jersey”].  
Amendment carried by a show of hands.**

**Move to amend the motion as amended to be 3 each from Maine and Massachusetts, 2 each from NH, RI, CT, NJ AND NY;  
and that states south of New Jersey may appoint a member if they choose.**

Motion ruled out of order.

**Move to add a sentence to the language relative to the technical committee, under “Composition” that reads: “That the lobster technical committee has an additional three members who shall have education or training in fisheries economics or social sciences.”**

Motion does not carry by show of hands.

**Move on the third line relative to the technical committee under “Subcommittees,” to eliminate the words “have the flexibility to,” and change “shall” to “will.”**

Motion carried by show of hands.

**Move that this Board accept the Draft Operating Procedures as amended, including changing language within the Membership section of PRT section, substituting “approximately” for “maximum number of.”**

Motion carries.

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

Motion to table above motion until August 2000 Board meeting.

Motion carries.

**Move to include Connecticut proposal as submitted to allow for transfer of individual pot allocations in Amendment 4 PID.**

Motion fails (3 in favor, 4 against, 2 abstentions)

**Move that the Technical Committee be requested to provide a report back to the Board at its August meeting on the ability to scientifically evaluate area specific proposals on a management measure basis.**

Motion carries.

**Motion to include extension of a 5-inch oversize gauge for GOM and redefine the definition of v-notch in the Amendment 4 PID.**

Motion fails.

**Move to include the Amendment 4 PID an option which allows states to transfer individual pot allocations within their jurisdictions so long as overall fishing effort is not increased.**

Motion fails.

**Move to approve Mr. Todd Jesse to the American Lobster Advisory Panel.**

Motion carries.

The American Lobster Management Board of the Atlantic States Marine Fisheries Commission convened in the Casco Bay Hall of the Holiday Inn By the Bay, Portland, Maine, on June 6, 2000, and was called to order at 1:00 o'clock p.m. by Chairman Gordon C. Colvin.

CHAIRMAN GORDON C. COLVIN: The Board will now come to order, please. This is a meeting of the Atlantic States Marine Fisheries Commission's American Lobster Management Board. I'm going to ask Amy Schick to call the role.

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

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

## **APPROVAL OF AGENDA**

CHAIRMAN COLVIN: Thank you. There has been some adjustment to the agenda since the time the CD that had the meeting materials was assembled and distributed to you.

Board members should have received an e-mail or a fax from Amy with the revised agenda. There are copies on the table. Does anyone need a copy of the revised agenda?

I'm going to just quickly run down the new agenda for those that don't have it while copies are being made.

After welcome and announcements, approval of agenda; approval of minutes of the April meeting; public comment; presentation of the stock assessment peer review; review schedule for Addendum II to Amendment III; discuss proposal for revised lobster management program operations -- that was also e-mailed along with the revised agenda, and if you need copies of that, you'll need to get them from the table as well;

Next is PRT report on state compliance, which includes a specific report on Rhode Island non-trap limits, the motion tabled in April; NMFS status report; the discussion of Connecticut request for transferability of trap tag allocations; Technical Committee report on today's meeting; review PID for Amendment 4 if available or review Amendment IV issues; Other business/adjourn.

Are there additions or revisions proposed to the agenda? Are there any specific other business issues that need to come to the attention of the Board? Mr. Freeman.

MR. BRUCE FREEMAN: Gordon, would you repeat number 6? I missed that. That's an addition.

CHAIRMAN COLVIN: Review schedule for Addendum 2 to Amendment III. That will be the Addendum, if necessary, that takes us from the new stock assessment to implementation of area management programs, Bruce.

Okay, seeing nothing we will accept the agenda and move forward.

## **APPROVAL OF APRIL 2000 MINUTES**

The next item of business is the minutes from the April 2000 meeting. Are there corrections or additions to the minutes? Motion to approve? Mr. Augustine. Second? Mr. LaPointe.

Is there any objection to the motion? Without objection, the motion carries; the minutes are approved. Item four on the agenda is public comment. We do have a large number of guests here today, including many members of our Technical Committee and Stock Assessment Subcommittee.

We welcome you here. We know that you look forward, as we do, to the coming discussion. Public review and comment is accepted by the Commission's boards during any specific agenda item. We will call for public comment during the specific agenda items that follow.

At this time it's appropriate for me to ask whether there are any general areas of public comment or any persons who wish to present a view to the Board on the general topic of lobster management that may not come up later on the agenda, as an opportunity will be given at that time.

## **PUBLIC COMMENT**

Are there any persons that wish to come forward at this time with public comment? Seeing no hands, we'll go forward. As I said, we'll call for public comment later.

At this time we arrive at Agenda Item 5, presentation of the Lobster Stock Assessment Peer Review, Dr. Kline.

## **LOBSTER STOCK ASSESSMENT PEER REVIEW REPORT**

DR. LISA KLINE: There are copies of the report; Amy has some. There were some on the table, so the first thing we need to do is make sure everyone gets a copy.

The peer review for the American Lobster Stock Assessment was conducted May 8th and 9th in Providence, Rhode Island. We did have six panel members with various expertise in American lobster biology as well as stock assessment modeling principles.

The panel members were Gerry Ennis from Canada Department of Fisheries and Ocean, John Hoenig from Virginia Institute of Marine Science, Peter Lawton from Canada DFO, Robert Muller from Florida Fish and Wildlife Conservation Commission, Saul Saila who's retired from the University of Rhode Island and

David Sampson from Oregon State University.

There were three stock areas that were assessed in the current stock assessment and this is consistent with previous stock assessments. These were the Gulf of Maine stock, Georges Bank and south, and south of Cape Cod and Long Island Sound.

What I'm going to present is just very briefly go over the data that was used in the assessment as well as just a brief overview of the assessment models and a summary of the landings for the three stock areas, and then I'm going to focus on the advice from the Peer Review Panel on the terms of reference.

If we look at the data, we had two basic sources of data, fishery dependent and fishery independent. In terms of fishery dependent data, we had commercial landings, data from port sampling and data from sea sampling. This was from the National Marine Fisheries Service as well as various states from Maine through New York.

In terms of fishery independent data, these were trawl surveys that were, again, conducted by the National Marine Fisheries Service and the states of Maine through New Jersey.

If we look at the landings for the Gulf of Maine, we have year across the bottom from 1982 through 1997 and landings in metric tons. We see landings somewhat stable through the 1980s at about 15,000 metric tons and a slight increase to about a little over 25,000 metric tons in 1997 and 1998.

This represents about 77 percent of the total U.S. landings. For Georges Bank we see somewhat stable landings; In 1997 and 1998, very close to about 4,000 metric tons.

And south of Cape Cod, Long Island Sound, we see landings of about 2,500 metric tons in the early '80s; slight increase to close to 7,000 metric tons in 1997 and 1998.

This represents about 18 percent of the total U.S. American lobster landings. In terms of the assessment models, there were several models that were used in the current assessment.

The first was a modified DeLury model. This was used to estimate trends in abundance and trends in fishing mortality in all three stock areas. There was also a blending process that was used in the DeLury model to blend results from the various indices that were used, and we'll talk about the blending process in one of the terms of reference.

There was also an length cohort analysis or LCA. This was used to estimate fishing mortality only in the Georges Bank stock. There was also egg per recruit, yield per recruit models that was used to estimate egg production and yield per recruit. And this was only for female lobsters.

The male lobsters were not included in this model. The Technical Committee also evaluated 12 different indices that they called "common sense indicators." These were reviewed by the Panel.

They didn't focus too much attention on these 12 indices, and there's much more detail in the Stock Assessment Report. There's also a new model that was presented in an appendix to the stock assessment.

The model is called the Mark model. And it's basically a new simulation model that incorporates all of the survey indices in one model and, again, one of the terms of reference was to evaluate the applicability and utility of the Mark model, so we'll talk about that in a little more detail.

There were five different terms of reference. The first term of reference was to evaluate the input data and the assessment models. There's also five specific things that the Panel was asked to address in this term of reference, so it's going to take a little bit of time to get through the information on this first term of reference.

The second term of reference was to evaluate the status of the stocks. The third was to comment on stable and increasing abundance, to address the resiliency issue. The fourth was to evaluate biological reference points, in particular the F-10 percent.

And the fifth was to evaluate research and management recommendations. And, again, I'll focus on going through the Panel's advice on each one of these terms of reference.

For the first term of reference, the first part of this was to evaluate the quantity and quality of the input data.

The first thing the Panel looked at was the quality of the landings and effort data. They did note that in our current data collection programs, we don't collect any detailed area fish data.

What we actually do is aggregate the landings and effort data up to the NMFS statistical areas which are actually somewhat broad areas. The Panel felt that it was impossible to separate inshore and offshore landings because of the lack of resolution in the area fish data.

They also felt that the lack of resolution precludes any finer scale analyses and made it very difficult for the Panel to evaluate the quality of the landings and effort data.

They did suggest that there's a need to develop a standardized approach to mapping the effort data. This would provide better information on tracking potential expansion in fishing area, in particular from inshore to offshore areas.

There was some indication from members of the Stock Assessment and Technical Committee that this was occurring. However, without that more detailed resolution or some type of mapping, it's really hard to get a feel for the expansion in effort.

In terms of the sea sampling and port sampling data, they felt that it was important to have a little more information on sampling design and that the presentation of sampling design information in a standardized format would provide a better means to compare the various surveys.

They also felt that possible differences in night and day sampling might have caused some biases in the catch rates. And, again, they suggested spacial presentation of the haul-specific data which might provide an indication of shifts in the range of American lobster.

The spacial presentation would also provide the ability to evaluate the relationship between survey sampling data and landings data. And we'll talk about this a little bit more in a couple of slides.

In the current stock assessment, there was very little information on sample size and various estimates. The panel felt that to evaluate the quality and the precision of this data, the sample sizes and variance should be included in future assessment reports.

The panel noted that there was lack of documentation on several aspects of the stock assessment in the current report. First there was no documentation on how the catch matrix was developed.

The catch matrix is really just a petitioning of the total landings by sex and size. There was a reference to past assessments where this information was included, but the panel felt it was much better to have all that information included in one report.

There was also no documentation on how sampling gaps were filled. There were some sampling gaps where no data was collected in various months and also various survey strata.

In order to fill those sampling gaps, the data from adjacent months or adjacent survey strata was plugged into the sampling gaps. And, again, the panel felt that having no documentation on how this was conducted really didn't allow them to evaluate the reliability of some of the input data.

The panel also noted that there was a mismatch between trawl and indices data. An example of this is in the Gulf of Maine. The majority of landings data is collected from inshore areas whereas the trawl surveys are conducted in offshore areas.

This is important in the development of the catch matrix. One of the research recommendations is that a fishery independent survey be initiated in Gulf of Maine waters that would help to address this mismatch.

They did note that this mismatch may cause potential errors both in the raw landings and in the abundance estimates. I'm going to stop here and ask for questions on this part.

Okay, let's move on to the second part of the first term of reference was to evaluate the validity of the length cohort analysis and the DeLury models. In terms of the length cohort analysis, this analysis does assume that equilibrium conditions are occurring within the stocks.

The panel felt that the assumption of equilibrium conditions was not realistic and therefore recommend the discontinuation of the

LCA. They do recommend the exploration of other approaches, and they've provided some examples of other approaches that may be used.

They also noted that there were several assumptions to the current assessment that were changed from past assessments and that there were no comparative studies conducted. The two main assumptions were the blending of the different surveys in the DeLury model and also changes in the growth model.

The panel noted that this change in assumptions and the lack of comparative studies didn't allow them to determine if the changes in the results of the assessment were due to changes in the assumptions or were truly representative of stock status changes.

They do recommend that in the future, when any major assumptions are changed, that these comparative studies be conducted. In terms of the modified DeLury model they suggest the inclusion of sex data and also multiple tuning indices.

In the DeLury model the fall survey from the National Marine Fisheries Service trawl survey was used in the model. The spring survey was not, and they do recommend trying to include the spring survey.

They also recommend the evaluation of the errors in the data that were discussed in the previous part of this term of reference. They also focused some attention on the assumptions on Q ratios which is the catchability coefficient for the various trawl surveys.

There were different Q ratios that were used for the state and the federal surveys. The panel recommends designing tag and recapture studies to get a better handle on these Q ratios and also conducting sensitivity analyses to see if the assumption of different Q ratios is actually true.

And I'll stop there and ask for questions. Okay, seeing none, the next part of this term of reference was to evaluate the methods used to blend the multiple DeLury results.

The panel felt that the blending approach was appropriate because it considers both movement of American lobsters and also the catchability. They did suggest the evaluation of the effects of landings data and the catch matrix, and these we discussed in the first two parts of this term of reference.

Some of the problems that might be caused by effects of movement of lobster within this process; it's assumed that movement between the subareas is equal. The panel was unsure if that was actually occurring.

Again, this goes to the resolution of our catch and landings information, and they did suggest that the Mark model may be configured to get a better handle on the effects of movement of American lobster.

They also suggest evaluating the sensitivity and bias in terms of

this process and mainly looking at the effects of movement and also the effects of growth transitions. I'm going to stop there.

I know I'm going somewhat quickly. Most of this is somewhat technical and the Technical Committee will address it later. Any questions? Bruce.

MR. FREEMAN: Lisa, you talk about growth transitions. Could you just elaborate a little bit more on that?

DR. KLINE: Within the DeLury model -- and I'm going to turn to probably Carl and Dave to follow-up -- the growth transitions are used to move lobsters from various bins within the model. Carl, do you want to give a little more detail?

MR. CARL LOBUE: That's basically correct. Because it's not an age-structured model, it's structured by sizes, you need to have some sort of rate at which lobsters change size, essentially grow and that's what that refers to, how they move through size groups.

DR. KLINE: Any other questions? Okay, the next part of this term of reference was to characterize the uncertainty in both the input data and the model results. The panel again focused some attention on the catch matrix.

Because there was no documentation on how the catch matrix was determined, they were unable to assess the uncertainty in the catch matrix. Within the assessment, there was an assumption that there were no errors in the catch matrix.

And the panel suggested conducting some sensitivity analyses to see if that's actually a true assumption. They also noted that there might be some uncertainty in the estimation of natural mortality and that there was a need to assess the effects of uncertain natural mortality through bootstrapping methods.

There's a little more detail in the peer review report on this. They did note that the lack of presentation of uncertainty within the stock assessment may provide a false sense of precision.

Without having any sensitivity or any uncertainty presented, without having the variance estimates presented, it's very hard to determine what the precision of the data as well as the assessment result truly is.

Again, they would recommend that that be included in future assessments. That was a quick one. Any questions on uncertainty? Okay, the next part of this was to evaluate the potential validity of the Mark model.

Again, this is a new simulation model. There was no consensus in the Technical Committee to adopt this model at this time, so the question to the panel was whether or not there was any utility in continuing progress on the Mark model.

I've changed the title here a little bit to validity of new models. There were other models that were presented and I'll address those after we talk about the Mark model.

The panel did feel that the Mark model was a good model because it integrates all available data in one model and gets around the need to blend various results as occurred in the DeLury model.

Again, it could evaluate several surveys simultaneously. They did note that the inclusion of misleading or possibly problematic data in this model may cause possible problems and even misleading results.

They do, again, recommend the inclusion of variance estimates to get a better feel for the quality of the Mark model and the quality of the results. And they do recommend pursuing further development of this model.

There was a biomass dynamic model that was presented to the panel as a minority report. It was of a localized area, mainly for the waters of Rhode Island. One of the assumptions of the biomass dynamic model is that the system is a closed system.

The panel felt that because the model was conducted on such a localized area, that the assumption of a closed system may not be true for the model that was presented. They do suggest that the biomass dynamic models be applied to larger stock areas which would probably meet this assumption of a closed system more closely.

The yield per recruit analysis, as I said, was conducted only on female lobsters. The panel recommends the inclusion of male lobsters to more fully evaluate growth overfishing.

We'll talk more about growth overfishing in another term of reference. They also recommend the development of a yield per recruit analysis for both males and females combined, which would provide a better evaluation of total yield in the American lobster fishery.

They also recommend the development of a predicted capability using data from trawl surveys. As you might notice, in the current assessment we're conducting the assessment in 2000, but the most recent data was from the 1997-1998 trawl surveys which means we have about a two- to a three-year lag from when our data is available and when we're actually conducting the assessments.

By developing this predictive capability from the trawl surveys, it could provide more real-time estimates of status of the stock and fishing mortality. And I'll stop here and ask for questions. Bruce.

MR. FREEMAN: Although, Lisa, you didn't mention this specifically in your report, did the review panel deal with the issue of surveys in that the gear of the surveys really isn't designed to be an efficient catcher of lobster.

Some have cookies on the trawls and others have even larger gear to get over rough bottom. Did they talk about that at all and if, in fact, it would influence anything; or just it's not efficient but

that inefficient factor would remain the same?

DR. KLINE: They talked about it in terms of the Q ratios or the catchability coefficients, which is an indication of how well the gear is actually sampling. And there was some uncertainty on the part of the panel whether or not the values that were used in the assessment were actually good values.

They didn't go into any great detail about various gear configurations and how that would affect the catchability; but they did recommend that that be evaluated through sensitivity analyses, so I think it's something that the committees probably need to work on in the future.

There wasn't a great deal of information specifically on that in the stock assessment report for them to go any further than that.

MR. FREEMAN: I asked that because obviously it's a concern when we deal with fish which, perhaps, is more efficient in catching but lobsters even less efficient. But I'm just concerned about or interested in the comments of the review panel whether, in fact, they thought those surveys were useful or whether they thought that they had major drawbacks.

DR. KLINE: I think overall they felt that the surveys were useful, although they probably didn't come right out and say it in the peer review report. But the Q ratios is where they focused a lot of their attention in terms of the effectiveness of the gears to actually sample American lobsters.

Any other questions? Okay we'll move on to the second term of reference which was to evaluate current status of stocks and also trends in abundance and fishing mortality. And they were specifically asked to examine model-based indices and also examine some of the alternative indices.

The panel did note that abundance is showing increasing or stable trends. I'm going to show this graph for all three stock areas. We have the fall survey year across the bottom from 1982 through 1997 and abundance across the "y" axis.

The pink is the male lobsters. The green is the female lobsters. In the Gulf of Maine stock we see somewhat stable abundance through the '80s, increase going into the '90s and the period 1995 through 1997 is about 88 percent above this long-term average.

For Georges Bank south we see varying trends, no true trends up or down for either males or females for the period 1982 through 1997. And for South Cape Cod, Long Island Sound, we see an increase from 1995 through 1997 as compared to previous years.

In terms of recruitment the panel notes that recruitment is high and is increasing or stable in all three stock areas. Again, we have pretty much the same graph, fall survey year across the bottom and abundance of recruits across the "y" axis.

And for the Gulf of Maine stock, we see for the period 1994 through 1997 about a 50 percent increase above this long-term

mean. For Georges Bank south, again, we see no true trends in recruitment across any of these years.

For South Cape Cod, Long Island Sound, we see a three-fold increase in the period 1995 through 1997 as compared to the 1980s.

The panel does note that the increases in abundance are likely due to coincident increases in recruitment. They were unable to determine why recruitment has been so favorable, and they did note that it cannot be predicted how long this will continue.

We'll focus a little bit more on this issue. They also looked at fishing mortality rates estimated from the models. The F-10 overfishing definition, which is the legal definition of overfishing, was established in Amendment III to the American Lobster Fishery Management Plan.

This is the fishing mortality rate that results in egg production per recruit equal to 10 percent of that value in an unfished stock. And it is applied separately to each stock area.

What we're going to do is compare the calculated fishing mortality rates to the F-10 percent value for each of the stocks. The panel does note that the calculated fishing mortality rates are high in all three stock areas.

We'll show this same graph for all areas with year across the bottom from 1982 through 1997. And this is fishing mortality across the "y" axis. This bottom line here, this one kind of the reddish with the asterisk is the F-10 percent value.

For the Gulf of Maine female lobsters, the F-10 percent value is 0.34. In recent years the fishing mortality rate on Gulf of Maine female lobsters is 0.74, clearly higher than the F-10 percent value.

If you look at the trend, you'll see the pink is the mean fishing mortality rate and that is higher than the F-10 percent for all years. The two blue lines are the 90 percent confidence intervals, and you'll see that the lower confidence interval is also higher than the F-10 percent value.

For Georges Bank females we see a similar pattern with the F-10 percent being 0.29 and the fishing mortality rate for recent years being 0.41, again higher than the F-10 percent value.

You'll see that the mean for the most part is above the F-10 percent value for all years and some discrepancies in this lower 90 percent confidence interval. But for most years the calculated fishing mortality rates are higher than the F-10 percent value.

For South Cape Cod, Long Island Sound, the F-10 percent value is 0.84, the straight line across the bottom. In recent years the fishing mortality rate is 1.25. Again, both the mean and the lower 90 percent confidence intervals are above the F-10 percent value from about 1992 up to 1997.

The panel looked at some other factors that might give an

indication of stock status. They did note that there's an evidence of truncated length frequencies in all three stock areas.

What I want you to focus on here is just this blue line, which is the catch from 1995 through 1997 for the Gulf of Maine. And we have carapace length across the "x" axis and proportion of catch across the "y".

You'll see that the majority of the catch is between 83 and about 100 millimeters with very few lobsters being caught past the 100 millimeters. This is true for all three stock areas.

There is also a reliance or very high reliance on lobsters in the first molt group above minimum legal size, and I'll show this same graph for female lobsters for the three stock areas.

We've survey year across the bottom and we're going to focus on the percent of lobsters over here on this axis. You'll see for the Gulf of Maine about 85 to 90 percent of the females are being caught or are being landed in the first molt above that legal minimum size.

In Georges Bank we see a similar pattern with about 60 to 70 percent being landed for the last probably 10 years; and South Cape Cod, Long Island Sound, again about 90 to 95 percent from about 1985 all the way up through 1997.

The panel noted that there is most likely a shift in fishing effort from inshore to offshore areas. And, again, there is some indication from the Technical and Stock Assessment Committee members that were present that this is occurring, although this information is not adequately captured in our current catch reporting system.

They do note that this shift in fishing effort to offshore areas may influence inshore abundance if the inshore abundance is being supplemented by egg production in those offshore areas.

So this is something that needs to be looked into. They also noted that there's some localized problems. They noted that there's local depletions in Massachusetts Bay. There are also the Long Island Sound die-offs from disease and other factors and also an increase in targeting of soft-shelled lobsters in Georges Bank south, as we saw from the previous graphs on the amount of lobsters landed in the first molt group.

I guess we go to what does all this mean? The panel notes that it's unrealistic to expect that recruitment is going to continue indefinitely. They did note that any declines in recruitment will lead to declines in egg production since the majority of egg production is from recruits and those lobsters in the first molt group.

They also noted that the pool of large lobsters will probably not be able to maintain egg production for a long period of time. They do concur with the Technical Committee that growth overfishing is occurring as evidenced by the high fishing mortality rates that are cropping the new recruits coming into the fishery.

They also note that the reduced egg production may or may not have an effect on recruitment. They do suggest that it's not prudent to assume that any reduced egg production will not have any consequences on recruitment.

The panel recommends increasing egg production which would increase yield per recruit and also recommends a precautionary approach to ensure that the stocks are not overfished.

We'll focus a little bit more on these two recommendations when we get to the biological reference points and also the management recommendations. I'll stop for questions.

Okay, the next term of reference was to comment on explanations for stable and increasing abundance despite low estimates of recent egg production per recruit.

This was also a term of reference that was given to the Stock Assessment Committee and the Technical Committee. There was some information provided in the stock assessment report but there was no consensus on why this is occurring.

The panel noted that egg per recruit has been low for the past two decades but abundance has been high; therefore, the total egg production has been relatively high.

They suggest that favorable environmental and/or ecological conditions have probably resulted in high survival rates which has kept the recruitment high and possibly higher growth rates.

They were unable to predict on whether or not these favorable environmental conditions and therefore the high recruitment and high abundance would persist. Again, there were various viewpoints that were presented by the Technical Committee and various viewpoints of the individual panel members.

They did not come to any consensus on what controls recruitment of American lobster. So in other words, I don't think they got any further than the Stock Assessment or the Technical Committee in addressing this term of reference.

Are there any questions? There's a lot of information included in this stock assessment report on this term of reference. Bruce.

MR. FREEMAN: Lisa, somewhere in there you mentioned the issue between egg production and increased recruitment. Was there discussion as to whether, in fact, that was indeed true or the fact that the existing egg production had better survival?

DR. KLINE: I'm not quite sure if I'm going to answer your question, I guess. That's why I'm hesitating. The recruitment has been very high. But they feel that most of the egg production is coming from the new recruits which are also the group that is most prevalent in the landings.

If recruitment declines, they feel that egg production will be affected; therefore, future recruitment will also be affected. So there's kind of a cyclic --



MR. FREEMAN: Well, if that's true there has to be, then, some underlying reason why recruitment is increasing, because I understand what you're saying as there are more recruits, even though they're being cropped off, some will spawn prior to being cropped and therefore egg production will increase.

But there had to be something leading to that increased egg production somewhere. Was it just that those recruits were surviving and just producing more eggs; is that what their conclusion was?

DR. KLINE: Right, the abundance of the new recruits is very high. So even though the egg per recruit might be low, if you multiplied those two, you're going to get pretty high total egg production. If the recruitment drops and abundance drops, then most likely egg production is going to drop as well.

MR. FREEMAN: You may be leading to this or you may not, but was it determined by the Review Panel as to what would happen if recruitment declined, what steps would be necessary? I mean, things are looking great or at least looking good.

DR. KLINE: Right, I think we're going to get into that when we talk about the biological reference points and the management recommendations. We'll get a little more fully into that.

Okay, if we move on to the next term of reference, which was to evaluate methods used to estimate the overfishing definition which is the F-10 percent and also suggest any additional reference points or analyses.

The panel did note that the F-10 percent estimation procedure is probably not precise due to uncertainty in calculating egg production at 0-F. And they noted that there was a lack of model fit between the observed and the predicted length frequencies.

Again, we have a graph you've seen once before with carapace length across the "x" axis and proportion of catch across the "y". I'm only going to show this graph for the Gulf of Maine stock.

All three stocks are included in the Peer Review Report, but the patterns are very similar. The blue line represents the real catch of American lobsters in Gulf of Maine from 1995 through 1997.

The red line represents the expected catch from the F-10 percent estimation procedure from the model. The panel felt that these two lines should actually be much closer if the model was estimating F-10 percent with more precision.

You can see there's a big discrepancy here at the lower lengths and some discrepancy all the way out to about 120 millimeters length. Again, this is a very similar pattern for all three stock areas.

The panel noted that the F-10 percent value implies that we are currently overfishing but this does not imply that the stock is overfished. And they did provide some indication of the difference between an overfishing status versus an overfished status.

The overfishing is a rate of removal. And if that rate of removal is too high, it's not going to be sustainable into the future. As overfishing occurs, the stock will become greatly reduced; therefore, the stock will reach an overfished state.

So the overfishing actually would lead to stock being overfished. They do note that recruitment overfishing appears to have been occurring for some period of time and that the strong recruitment has maintained stock biomass above the overfished level.

So, in other words, the panel is suggesting that both growth and recruitment overfishing are occurring but that the American lobster stocks are not currently overfished. They do note that the risk of recruitment declines is unacceptable in most of the stock areas and do recommend a precautionary approach.

They suggest that there's a need for distinct biological reference targets and thresholds with a recruitment overfishing threshold being a danger level that will give rise to some management action.

They were very unsure whether or not the F-10 percent actually represents a real danger point in terms of evaluating whether or not recruitment overfishing is occurring.

For now they recommend maintaining the F-10 percent as a threshold until it can be replaced or supplemented by a new threshold, possibly a biomass-based reference point.

Other possible targets or thresholds include the percentage of female lobsters or female recruits that spawn and also the percentage that spawn more than once before dying.

Some alternative methods that they recommend are the surplus production model and also the development of a stock recruitment model. And, again, they recommend a precautionary approach with control rules.

This is something that is somewhat familiar probably to most of you that deal with the Council. They do provide an example of a default control rule based on biomass across the "x" axis and fishing mortality across the "y".

There are two thresholds. The first is a spawning stock threshold, which is this purple line here. The second is a fishing mortality threshold, which is this blue curve here.

What this does is separates this graph into four separate areas with the worst area being Area 1 where the fishing mortality is above this threshold and the spawning stock biomass is below this threshold here.

What this means is that overfishing is occurring and that the stock is also overfished. And, again, this is the worst area. If we go to Area 2, we find that the fishing mortality rates are actually below the maximum fishing mortality threshold and the spawning stock biomass is below the minimum spawning stock threshold.

In this case the stock is in an overfished state but overfishing is not occurring. In Area 3 we find that the fishing mortality rates are too high but the spawning stock is relatively good, meaning that overfishing is occurring but the stock is not overfished.

And Area 4 is the best area where neither overfishing is occurring and the stock is not in an overfished state. They did not provide any information on where we are with American lobsters.

I don't know if that's going to be a question. I could give you my opinion but I'll wait until the question is asked, I guess. George.

MR. GEORGE LAPOINTE: My opinion is that we're in Area 3 because our biomass is high, but our overfishing rates are high. Do you share that opinion?

DR. KLINE: Yes, I do. Based on the information that the panel gave, both growth and recruitment overfishing is occurring but the stock biomass is high, meaning that we're not overfished.

Their concern is that if recruitment goes down, it may shift the lobster stocks into this area here which would be the worst area to be. John.

MR. JOHN I. NELSON: Lisa, that data is based on '96-'97 abundances?

DR. KLINE: '97-'98.

MR. NELSON: Okay, was there some spawning stock threshold that, you know, if there was harvest continued in '99, that if we were below that -- or was there some mark that we would be below and therefore we would be both overfished and overfishing?

DR. KLINE: In terms of the biomass?

MR. NELSON: Yes.

DR. KLINE: No. No, in the current assessment there are no biomass thresholds. And that's something that the panel is recommending be developed which would give a much better indication of what these thresholds are.

Again, this is just a default example. But until the analyses are run to actually show the shape of this curve and develop these thresholds, it's uncertain of exactly where we would be in terms of an overfished state.

MR. NELSON: Okay, so we actually don't know if we're in 3? I mean, it sound like we might be, but with continued harvest at increasing levels, we may actually be pushing ourselves into Area 2?

DR. KLINE: Yes. Any other questions? Pete.

MR. W. PETE JENSEN: I'm curious about something in the written report here where they note that recruitment has been

highest since '94, I believe?

DR. KLINE: Yes.

MR. JENSEN: Yet, they make a projection that it might continue for 20 years and I'm wondering the source of that rather precise estimate since we don't know why it increased since '94?

DR. KLINE: I think they said "possibly" 20 years so they hedged.

MR. JENSEN: Yes, I saw that word, but it's still rather precise given all the comments of the panel on unreliability of data and imprecision of things.

DR. KLINE: Right. And I think that there was a lot of debate on what that time period would be. What they were trying to do is to give some indication of what they meant by "short-term" so 20 years as opposed to 5 years or 50 years.

So, it's really just kind of a ballpark definition of what the term "short-term" means. So, I don't think that they meant to be very precise about that 20-year period. Yes.

MR. WILLIAM A. ADLER: I just want a clarification so that everybody doesn't get confused since we're using the word "area" and then we're using numbers. These Area 1, 2, 3, 4 are in reference to what, the lobster fishing areas?

DR. KLINE: No.

MR. ADLER: Okay, that's what I just wanted you to clarify. They are a different area and number than what we all know and love as our "areas." Right?

DR. KLINE: Yes. This is just an example and the numbers do not relate to lobster at all.

MR. ADLER: I just wanted that clear before somebody panics. Thank you.

DR. KLINE: Lance.

DR. LANCE STEWART: Yes, Lisa, I was just wondering. In the course of the decade, there has been a major size increase which was meant to increase egg production and recruitment.

I don't see any of this referenced in discussion of long-term trends as a positive additive to the total stock. And with that, also, the two most important factors in life history survival and success in year classes are habitat and food source, in my opinion.

Any common growth of a population is dependent on that. There has been a magnificent increase in food availability and spread of habitat of the species. How is that handled or assessed or documented by the Peer Review Panel?

DR. KLINE: The issues of habitat were not addressed. I'm not

sure that there was too much information provided in the stock assessment report so they didn't go too far with that.

When we get to the next term of reference, we'll talk a little bit about management recommendations. Again, that was something that was not evaluated in the current assessment and the panel does recommend that that be done.

So, I think we'll get a little bit closer to the management question when we move on. Any other questions?

DR. STEWART: But the size increase or that mark or that point in history of the trend of lobster population, I don't see that on any of the graphs and I don't see a --

DR. KLINE: No, and it was not addressed specifically by the panel.

DR. STEWART: That's one of the major accomplishments I think we've done with lobster and it just doesn't register, but --

DR. KLINE: Okay, if we move on to the next term of reference, the panel was asked to review research and management recommendations. They have about two pages of research recommendations in the Peer Review Report.

I'm not going to cover all of them. We've hit on some as we went through the other terms of reference. They did separate the research recommendations into four broad categories: improving data collection; improving stock assessment modeling; some broad research issues; and some coordination issues.

I'm just going to highlight just a couple of research issues in each one of these. In terms of improving data collection, they do recommend the development of a standardized mandatory reporting system consistent with the Atlantic Coastal Cooperative Statistics Program.

They do recommend the initiation of a nearshore trawl survey or fishery independent survey for Maine waters and also some monitoring of recruitment which might give a better idea of what's occurring with recruitment and what's controlling recruitment.

In terms of stock assessment modeling, we've hit most of these. They recommend spacial mapping, continuation and further development of the Mark model, the application of the biomass dynamic models to larger stock areas and further development of the yield per recruit model for male lobsters and male/females combined.

For broad research issues they recommend evaluation of the affects of bait on lobster productivity, evaluation of molting frequency and inter-molt frequencies, some evaluation of biochemical methods for aging American lobsters and also some egg viability studies.

In terms of coordination issues, they recommend incorporating environmental and ecosystem factors into the next stock assessment which, again, might help us to further evaluate what

controls recruitment.

They concur with the Stock Assessment Committee that there's a need for a centralized database to make it a little bit easier to conduct future stock assessments. And they do recommend some collaboration with Canadian stock assessment biologists since they're actually facing some similar situations.

In terms of management recommendations, the panel recommends increasing egg production in the Gulf of Maine and Georges Bank stock. They were less concerned with South Cape Cod, Long Island Sound mainly due to the young age at maturity.

They did provide a range of management options that would possibly or most likely increase egg production. First is an increase in minimum size which would increase the number of mature females and also decrease fishing mortality.

The establishment of spacial closed areas or sanctuaries which would help to contribute to the pool of large lobsters and also provide potential recruits to other areas if the inshore areas are being supplemented by egg production in the more offshore areas.

Reduction in fishing mortality either through effort reduction or quotas which would provide for increase in spawning females. Also an increase in vent size which would help reduce discarding and would provide similar benefits as an increase in the minimum size.

They do recommend that the Stock Assessment and Technical Committee evaluate current management measures, mainly the effects of v-notching, female maximum size limits and compliance with the size limits and also an evaluation of the benefits of the various management options that they've recommended.

They recommend the evaluation of economic risks and benefits of the various management measures and also a review of the Canadian situations which may provide indication of the extent of changes over the short term.

Again, the Canadians are facing similar situations, and we may actually be able to learn from the way they've handled them. Those are the research and management recommendations. If there's any questions? Bruce.

MR. FREEMAN: Going back a number of years, we talked about these three management areas for stock assessment and the Georges Bank South covers a huge area, but it was indicated that nearly 90 percent or more of the biological samples taken in this very broad area was on Georges Bank.

Was there any recommendation by the Review Panel about getting biological information other than just Georges Bank?

DR. KLINE: No. No, I don't think they even discussed that. It may have been something that just slipped by them. Mark.

MR. MARK GIBSON: The management advice number three is

to reduce fishing mortality. There's not a lot in the report that describes how fishing mortality would be reduced other than to say reductions in effort or quotas.

There was a fair amount of information presented to the Peer Review Panel concerning relationships between trap fishing effort and fishing mortality. How do they dispense with all of that information? They appear to have been pretty silent on it here.

DR. KLINE: I think the Panel felt that it was really the purview of the American Lobster Board to develop the management options so what they've done is just provided some options and recommended that the Stock Assessment and Technical Committee take it to the next step on how to implement those and what the benefits of those would be.

They were somewhat sensitive with stepping a little too far into the bounds of the Management Board. So, to answer your question, Mark, they really didn't go into any great depth on that.

CHAIRMAN COLVIN: Thank you, Lisa. That concludes the presentation of the Peer Review. Lisa, the next steps will be for the discussion of the Peer Review by the Technical Committee at tomorrow's meeting?

DR. KLINE: Right.

CHAIRMAN COLVIN: Then we will need to figure out where we go from here in terms of the application of the advice in the assessment itself and the Peer Review comments to the management program under Addendum III, which brings us to the next agenda item.

## **SCHEDULE FOR ADDENDUM II**

In the briefing materials there is a document entitled "Time line for American Lobster, Addendum II." Please refer to that. Amy is going to discuss the prospective schedule and process for taking us from where we are with the updated assessment to an assessment of the implications of this assessment with respect to management targets, the development of revised targets, if necessary, for the various lobster conservation management areas, additional work by the teams and ultimately the adoption of an addendum which will specify management measures to be undertaken in each of the areas to comply with the requirements of Amendment III. Amy.

MS. SCHICK: Today we heard the results of the Stock Assessment and the Peer Review so we have all the information on the table. One thing that has been discussed is taking this information back to the Plan Review Team to make recommendations to the Management Board on the implications for lobster management, so taking the results and reviewing what that means for the management program and what direction we should go in with the LCMTs.

The Plan Review Team could report back to the Board in American Lobster Management Board, June 6, 2000

August. And at that point the Board could initiate the development of Addendum II, if necessary. That would mean that LCMT meetings would have to occur and recommendations would have to come forward from the LCMTs.

The timeframe allotted for that was this fall, September, October, November timeframe. Once recommendations come forward from the LCMTs, those recommendations will be reviewed by the Technical Committee and a report will go back to the Technical Committee from the LCMTs with the recommendations and then the Technical Committee review of those recommendations.

The Board would then have to determine the content of a draft addendum for public comment and that would include any management measures that came forward as recommendations from the LCMTs or additional management measures that would be necessary to meet the goals and objectives of the plan.

Once the Board determines the content of Addendum II, the Plan Review Team will develop this draft. And once the Board has approved the draft, it will go out for public comment and public hearing.

After the comments and hearings are held, the comments will be compiled and presented to the Management Board for review and then the Board would have to determine what the final components of the Addendum would be, a final approval of Addendum II.

With each of these activities, there are tentative timeframes for each of them. And the timeframe that's allocated right now would result in Addendum II being ready for approval about a year from now, next August.

CHAIRMAN COLVIN: I think that the very next step is a critical one in this process, that basically amounts to translating the peer reviewed conclusions and the application of the peer review comments to those conclusions on the assessment to our understanding of where we stand with respect to stock status in each of the lobster conservation management areas and advising the Board fairly carefully area-by-area what the updated assessment means in terms of changes, if any, to the targets that were looked at and examined and considered by the LCMTs in the development of the prior area-specific management plans.

As Amy indicated, that first step is assigned in this schedule to the Plan Review Team and they're given about a month and a half to translate this advice into area-specific advice to the Board on what needs to be done: where we are in each area, where we need to get to consistent with the revised advice.

I hope that we all are kind of on the same sheet of music starting out from that point. With that, I'm going to ask if there are any questions on this proposed schedule. I do believe that this schedule needs to be approved by the Board at this time, at least accepted by consensus as the basis of our further operations. Pat Augustine.

MR. PAT AUGUSTINE: Thank you, Mr. Chairman. I noticed that the Technical Committee will be reviewing the peer review product. Where does the Advisory Panel come back into the process?

Is that early on after the technical review is involved or does it come in here down by "Technical Committee review, LCMT recommendations" back over in October timeframe or November timeframe?

CHAIRMAN COLVIN: The Advisory Panel is meeting tonight and they will also be discussing these same issues, as will the Technical Committee.

MR. AUGUSTINE: Thank you, Mr. Chairman.

CHAIRMAN COLVIN: The Technical Committee Chair, and perhaps one other member, but the Technical Committee is always part of the Plan Review Team. So their advice and recommendations will feed into that process in that way.

Both the Plan Review Team and this Board, when it meets again in August, will have the benefit of the results of tonight's Advisory Panel deliberations.

MR. AUGUSTINE: Thank you, Mr. Chairman.

CHAIRMAN COLVIN: George.

MR. LAPOINTE: A couple comments, Mr. Chairman. I've just been talking with my commissioners, and I think it would be wise for states to mirror the Plan Review Team review of the peer review in-state so that in fact we can all learn more between now and August and not wait so we answer some of our questions about what it means for our respective states.

I think that will all help us in the learning process. And I intend that we use our Advisory Panel for that as well. The only other comment I have is this schedule has LCMT meetings August, September, October, November, which for fishermen in Maine is -- particularly the way things are going this year -- is the time they earn their paychecks. So, it will be really hard to get the LCMT together at that time.

CHAIRMAN COLVIN: Thank you. Bill.

MR. ADLER: I just want to mirror George's points on the LCMT thing, just for the record, that, of course, this would be the top time for lobstering in Massachusetts as well as September through November, so we have the same problem they do. It's hard to get them to come to the meeting, just for the record.

CHAIRMAN COLVIN: Thank you. We may have to revisit that aspect of this in August when we see just how much work there is for the LCMTs to do. I think that George Lapointe's advice was good advice for all of us to consider in examining the status of the individual lobster conservation management areas.

I think that we would not want to come back together in August

and find that some of the states or some of the Board members had a very different perception of the status of where they were, where they needed to get in individual areas from that which was presented at that time by the Plan Review Team.

So, some communication and coordination would also be appropriate, as well. We've had the same problem in the past with convening the LCMTs at different times of the year that are timely to management.

If the LCMT deliberation process slips, then everything behind it on this or below it on this schedule will slip to the same extent. That is something that we need to recommend.

I guess I would ask that prior to the August Board meetings, those Board members that are in a coordination role with their LCMTs discuss with them the possibilities for potential -- I think we've heard from Bill and George on that.

I think we will all need to follow up with our respective LCMTs. As I said, if it's necessary to adopt a revised schedule, do it at that time, recognizing that that's going to push everything back.

It's going to be somewhere into the mid-fall of 2001 that Addendum II is finished. That means less time for the states to get it in place if January 2002 is the target. Senator.

SENATOR JILL GOLDTHWAIT: Thank you. I think that looking at the schedule and who is going to be reviewing this work, there is another document that we need to produce in order to be able to do that.

I think the work that has been done to consolidate what I'm sure was a tremendous amount of work into a fairly brief document is commendable, but it is not in a format that is very accessible to me.

I am guessing that it might not be accessible to some members of advisory panels, LCMTs and so on. Rather than have individual states produce interpretations of this, it would seem to me that we ought to be producing some document that provides in more lay terms the results of this and their application to the recommendations made in the document, because I don't believe, even if I spent quite a bit more time than the few minutes we've had to go over it today, with the document, I don't think I could adequately try to defend or explain the rationale for the management measures recommended in this document based on my lack of background.

Since many of these discussions on the schedule will take place in context where there may be many other people who don't have that scientific background, we've somehow got to get to a basis that is appropriate or possible to have the discussions that are going to need to happen to get to the recommendations.

CHAIRMAN COLVIN: I think it would be appropriate that the Plan Review Team report that will come to us in August at least include some kind of a summary that meets that need.

If not, we can look at what we have at that time and perhaps lay

out some further elaboration of it that might meet that need. But I think it can serve both purposes. It's not a lot of time. Carl.

MR. LOBUE: Just maybe some sort of recommendation. The last time we went through the LCMT process, there really wasn't any time for the teams to talk to each other and try and coordinate some of their proposals with each other.

If there could somehow be a chance for the various LCMTs to either send representatives or at least communicate with each other, you may be able to get more of a concerted coastwide effort on some of the similar management measures, if they could just maybe time them up together in a similar way, which may make your life a little bit easier.

CHAIRMAN COLVIN: That's a good point. Before I ask for some kind of action or group consensus on the schedule, let me ask if there is public comment on the proposal. Dick Allen.

MR. DICK ALLEN: Thank you, Mr. Chairman. It seems to me there are 11 objectives to the Commission's Lobster Management Plan, but all I ever hear talked about is objective number 1, which is the one that refers to the risk of recruitment overfishing.

I wonder if in the Plan Review Team's exercise that they could also review how the plan is doing at meeting the other 10 objectives of the plan.

It seems to me there was a lot of effort that went into coming up with the objectives for the plan. There are 10 other objectives besides recruitment overfishing concerns. It seems important to me that at some point the Commission evaluate how its plan is doing at meeting the other objectives of the plan. Thank you.

CHAIRMAN COLVIN: Thank you. I don't see any other comment at this point. Let me offer a suggestion. I don't know that we need to take formal action to approve this schedule, and there have been suggestions for fine-tuning it again following our August meeting.

Let me ask if there is objection to proceeding with this schedule on a tentative basis subject to following up on the particular issues with respect to the timing of LCMT meetings and some of the other comments we've heard here about the nature of the charge and the report that we will get from the Plan Development Team. Pete.

MR. JENSEN: I don't have an objection but I do have a question. What wasn't included in the report was further recommendations of the Panel that the Board evaluate the utility of some current measures and also should request evaluations of alternative management measures and then, in addition, economic risks and benefits of implementing new management measures should be evaluated. I don't see room for any of that kind of stuff in this schedule.

CHAIRMAN COLVIN: I don't know, Pete, whether it's going to be done or not. I think, as I said, we're looking at about a month

and a half of work by the Plan Review Team. I think this is a much bigger job we're giving them than we think it is. And that's another aspect of it.

We will have to see where we are when we check in in August. None of us is in a position here today to write a specific and complete charge to the Plan Review Team, much less to anticipate everything that's going to be in their report.

I think your point is well taken. I think it needs to be before the team when they meet along with all of the other stuff that's in the Stock Assessment Report itself, which is this thick, and the Peer Review Report for their consideration for how we go forward. It's going to be a big job. Bill.

MR. ADLER: Thank you, Mr. Chairman. Two things. First of all, the stock assessment was developed up to '97-'98, I think. Did that incorporate any changes in the procedures from lobstering that came out of Addendum I?

The other thing that I was thinking of was somewhere, maybe it's the PRT, should take a look at the plans that have already been submitted to the Commission from the LCMTs to see if there is a need in some of these areas for those LCMTs to meet or is the plan that they submitted which passed the review test a while ago, if you remember, and part of it was put in basically the trap limit things, but there were other parts that were not put in and perhaps is it that team, that PRT report to the Board that they look at because it says "if necessary".

Are they going to look at, for instance, the Area 2, Area 3 plan, parts of the plans and say basically, "Yes, you've got a proposal sitting here that we haven't acted on; and if we were to put this thing you've already agreed to on as Addendum II, then you don't have to meet again because you make the grade," basically.

Is that what they're going to do? Is the PRT going to examine the plans that have already been submitted? Are they also going to examine the parts of the Addendum I that went into place after this stock assessment was -- I think '97-'98 they said they ended the stock assessment -- so have they taken into consideration anything that was done in '98-'99 and whether that does anything? That's a big, long question.

CHAIRMAN COLVIN: Yes.

MR. ADLER: Yes. So they're going to look at all of that and get back to us in August; right?

CHAIRMAN COLVIN: Yes.

MR. ADLER: Good. Thank you. Thank you very much, Gordon.

CHAIRMAN COLVIN: Bill, you know, seriously, I think that indeed the "if necessary" implies that some of the LCMT plans that were part of Addendum I and their further plans that were, basically, laid on the table pending the updated assessment may be sufficient and that requires evaluation.

I think the first priority for the Plan Review Team will be to identify the yardstick by which things are going to be measured based on the new advice we have; and if they have time between now and our meeting in August to conduct that measurement, and that does include consideration of management measures already put in place as well as those proposed and laid on the table.

They may not get that job entirely done by August, but it is clearly expected that it will be done, and that it may well prove that in one or more cases, the LCMTs have finished what they need to do, which I think was your question.

MR. ADLER: Yes.

CHAIRMAN COLVIN: Pat.

MR. PATTEN D. WHITE: Timewise, Gordon, I'm just concerned about finances and if, indeed, this is not a realistic schedule, and we are going two or three or four months beyond this, should we figure that in a budgetary process because otherwise we're going to end up like we did in previous years where, "Oops, we can't have this, that or the other meeting because there isn't any money to do it."

I wonder if we'd be better off, again, to be more conservative and say it is going to take us into whatever date.

CHAIRMAN COLVIN: When we originally laid this schedule out in a preliminary draft form, it was done cognizant of available budget resources to the Board. So I think that it's okay as far as it goes.

Extensions or changes to the schedule, we will have to obviously discuss with Dieter and Jack to see whether things work but, at this point they should. Bonnie.

MS. BONNIE SPINAZZOLA: I'd like to know what the Commission's understanding is as far as the 2005 Sustainable Fisheries Act date, or maybe we should ask NMFS is that date still standing? And do we have to meet our F-10 by that date?

CHAIRMAN COLVIN: I think we'll probably get that addressed in the NMFS Update agenda item in a few minutes. Dave Borden.

MR. DAVID V.D. BORDEN: Thank you, Mr. Chairman. I'd just like to follow up on Pat's budgetary comment. One of the critical aspects here is going to be this issue of after the Plan Review Team reviews the Peer Review.

If they take it to the next step and they formulate their advice and then look at the LCMT proposals you already have on the table, you may, in fact, be able to eliminate a significant amount of what I would call a budget drain in terms of meetings and this type of thing for a lot of the areas.

What that may mean is that some of the areas may be able to

move forward fairly quickly and go into almost an implementation phase, whereas some of the other areas that don't have well-defined programs may take a longer period of time, so what you'd end up with is less of a budget drain in that type of situation.

CHAIRMAN COLVIN: Thank you. Pat.

MR. AUGUSTINE: Thank you, Mr. Chairman. A reconstitution or change of the composition of the Advisory Panel, is that uniquely different in this document? It hadn't been in the past.

It appears here you're talking about revising that panel where it would be, I'm guessing, somewhat fewer Advisory Panel members because some are dual with LCMTs and also Advisory Panel.

Is that part of the budgetary process, too, or is this an old document because it's dated --

CHAIRMAN COLVIN: That's the next agenda item. We're not there yet.

MR. AUGUSTINE: I'm sorry. Moved too fast.

CHAIRMAN COLVIN: At this point I think, then, subject to the discussion that we've had here which will be reflected in our minutes and in the charge we give to the Plan Review Team, we will proceed with this schedule without objection from the Board at least until our next meeting at which point we will be able to, perhaps, fine tune it and get some better sense of where we may stand with some of the LCMT proposals.

I think we need to anticipate that at that August Board meeting, a considerable amount of time will be given to discussion of the details of the implementation of Amendment III through Addendum 2 or any other process.

We will need to make sure that we set aside sufficient time to do that. A number of Board members have talked to me about their desire to make sure that the implementation of our current amendment, i.e., the adoption of Addendum II remains the Board's highest priority.

And I want to just make sure the Board understands that I believe very strongly that it is the Chair's highest priority and it is certainly the staff's highest priority. That is where we do need to make sure that we invest sufficient time and resources to be successful.

That said, is there any further discussion on the schedule or shall we move to Agenda Item 7? Mark.

MR. GIBSON: Just to be clear, did I hear you say earlier that the Plan Review Team would include the Technical Committee or some elements of the Technical Committee, that they were going to --

CHAIRMAN COLVIN: Ordinarily, the Plan Review Teams include the Chairman of the Technical Committee and/or a representative thereof.

MR. GIBSON: Okay. Has a Plan Review Team been appointed yet?

CHAIRMAN COLVIN: Yes.

MR. GIBSON: Because I know it's on the Agenda, but they're not listed in here or anything yet.

## **REVISED LOBSTER MANAGEMENT PROGRAM OPERATIONS**

CHAIRMAN COLVIN: Okay, let's move then to Agenda Item 7 which is the proposal. This process was initiated two meetings ago to basically make some changes and adjustments to certain elements of our operations and committee structure for several purposes.

One is to clarify and ensure that our operations are consistent generally with the ISFMP, to address some concerns with respect to budget and finances for travel support, and to, frankly, make the program just a little bit more manageable than perhaps it might have been.

A proposal was developed subsequent to that discussion that we had at that time. It was distributed and discussed at our last meeting, and it was indicated at that time that it would be before the Board for adoption at this meeting.

Amy has distributed it. She's going to walk through that proposal at this time and it will be my expectation that with or without revisions offered at the table today, that this proposal will be acted on. Amy.

MS. SCHICK: As we all know, the Lobster Board is responsible for the implementation of the Lobster Management Program and is accountable to all the states, to the Commission and to the Policy Board for the implementation of this program.

In order to make sure that the management program operations are more transparent to the public and all parties involved and to make sure that we're operating in an efficient manner, the Board has discussed getting these management program operations on paper.

There are several supporting committees to the Lobster Management Program and I'm going to run through them individually. The description of each of the committees is based on information in the ISFMP charter and documentation in Amendment III.

We'll also go through composition, leadership, subcommittees, and I'll do it on an individual basis. Starting with the Technical Committee, it's composed of experts

in scientific and technical matters and appointed and convened by the Lobster Board.

The purpose of the Technical Committee is to provide scientific and technical advice in the process of developing and implementing the fisheries management plan.

A recommendation that is coming forward in this procedure is that the Technical Committee should be composed of one member per active state or federal agency on the Lobster Management Board.

If any state wanted additional members to attend the meetings, they would have to pay for that travel. And a state may designate a proxy to participate in the absence of a Committee member.

The second issue is dealing with subcommittees. Do you want me to keep going through all the Technical Committee first, or do you want to deal with --

CHAIRMAN COLVIN: Yes, let's deal with the whole Technical Committee and then discuss that one section.

MS. SCHICK: Okay. The next issue is subcommittees. And the Technical Committee now consists of 15 people and some states have more than one member. Other members are not associated with the particular state agency.

One of the issues that came up was developing subcommittees that would be appointed by the chair of the Technical Committee in consultation with the Board chair. And the purpose of these subcommittees would be to deal with specific issues that the Board would like to have dealt with, so recruiting specific expertise on these issues.

This would include a subcommittee on socioeconomic. All the subcommittees of the Technical Committee would report back to the Technical Committee and could be created at the will of the chair of the Technical Committee in consultation with the Board chair.

In terms of leadership, the leadership of the Technical Committee shall be elected by the Committee members. There shall be a chair and vice-chair among the members who are willing and able to commit the time and energy required by the job.

The chair is a very demanding job. It takes a lot of time responding to Board requests and preparing for meetings. The chair should be willing to do this job and the state agencies should be willing to provide the chair the time to do the Technical Committee business.

Any requests for Technical Committee analyses should be filtered through the chair of the Technical Committee. The vice-chair and chair will work closely with Commission staff in carrying out the activities of the Technical Committee.

CHAIRMAN COLVIN: Are there questions or comments on the recommendations for Technical Committee membership?



Harry.

MR. HARRY MEARS: Thank you, Mr. Chairman. I do have one comment on what perhaps is more affiliated with the responsibilities of the Technical Committee, and it's closely tied into the composition of the Committee and number of members.

It seems to me, especially now, as we move forward with Addendum II and Amendment IV, the requirement to maintain and enhance coordination with the LCMTs is going to become more of a prominent feature here.

I do know in the past there have been some complexities in terms of availability and logistics in providing technical representation to the LCMTs when they do meet.

I'm just wondering whether that issue might deserve some consideration or at least acknowledgement at this time in terms of this increased activity that we're quite likely to see in the near future, which will be very much connected with the activities of the Technical Committee.

CHAIRMAN COLVIN: I'm not sure. This is tough. The Technical Committee should work for the Board, any board. On the other hand, we do know from our experience to date with the LCMTs that it's necessary to provide technical support to the LCMTs if for no other reason than to help them understand how well or not well the proposals that they're discussing meet the plan's required goals.

I think that our management structure contemplates the provisions of that technical advice to LCMTs coming from the states that are working with them; or, in the case of the EEZ areas, the states and the federal agency that is working with them.

While the same individuals that are providing that support to the LCMTs may, in fact, be Technical Committee members, there's a distinction in the role. The Technical Committee itself, as an entity, does exactly what it says here.

It provides technical advice to this Board in this management program. I guess I would say the same thing with respect to providing technical assistance to the Advisory Panel, Harry.

There's clearly a need for all of these committees and bodies to coordinate and to communicate and to support one another. I think that's a part of our program in all elements.

But, specifically here, my own impression is that the technical support for the LCMTs ought to come from technical staff assigned for that purpose by the agencies that are working with the LCMTs.

MR. MEARS: The only final point I would have is that, certainly, as we go forward, the time demands on these individuals will become very intense in terms of attending the meetings and providing the degree of anticipated technical assistance not only to the LCMTs but to the Board in meeting the other charges as a Technical Committee.

CHAIRMAN COLVIN: Indeed, it already has been and it will continue. Right, Carl? Any other question or objection or comment on the Technical Committee section?

MR. AUGUSTINE: Thank you, Mr. Chairman. I was just going to do a follow up to what Harry had to say. In the case of New York, it's obvious we have Carl who is dedicated to this process and to the chairmanship, but what happens when New York is no longer involved, unless you're going to be there forever.

I'm wondering if the other states are going to be able to step up to the plate with the same kind of commitment we have. I do think Harry has a very valid point and a very valid concern. It is going to be a very large commitment. I don't know if any of the other states want to respond to it or not.

CHAIRMAN COLVIN: Well, Pat, let me, just with respect to the issue of the chairmanship of the Technical Committee, let me remind the Board that what is proposed here is a change from what has been the practice of the Technical Committee.

The Technical Committee's practice was to rotate its chairmanship geographically. That, unfortunately, includes the prospect that the chair may rotate to a member from a state which is not able, for very good reasons, to allow that person to have the time it takes -- and it takes a lot -- to effectively chair the Technical Committee.

So, for that purpose, we've made a revision here which is more consistent with how other Technical Committees operate for the chairman to be selected from among the members; therefore, enabling someone to step forward who is willing and who will be provided by their state with the ability to do the job effectively. That's our intention.

MR. AUGUSTINE: Good, thank you.

CHAIRMAN COLVIN: Bill.

MR. ADLER: I just wanted to see if the Technical Committee members had any problem with this proposal at all. I hadn't heard anything, so I'm assuming that they didn't have a problem with that.

CHAIRMAN COLVIN: I've not heard that they have had. Dick, did you have a question?

MR. BRUCE T. ESTRELLA: Yes. I just wanted to say that the Technical Committee hasn't really formally discussed that point.

CHAIRMAN COLVIN: Bruce, you've got to put your name up on the record.

MR. ESTRELLA: Bruce Estrella, Massachusetts. In response to that query, the Technical Committee hasn't really formally addressed the change from a rotating chair to an elected chair.

CHAIRMAN COLVIN: Dick.

MR. ALLEN: Dick Allen. I'm troubled by what I see as kind of a demotion of the social and economic sciences in the Technical Committee role. It has always troubled me that they don't play a stronger role.

I think that most of the important decisions made by the Commission are made based on social and economic considerations.

Although a lot of them raise a lot of biological arguments, I think a lot of the arguments are raised because of the social and economic implication, and so not to have as much social science and economic science input throughout the process, I think, leads you to more and more problems.

So I would urge that you do everything you can to keep some people from the social and economic sciences involved throughout the process of the plan review and development. Thanks.

CHAIRMAN COLVIN: Is there other comment? Shall we move on to Stock Assessment Subcommittee? Tom.

MR. TOM ANGEL: Yes, Tom Angel, Rhode Island Fish and Wildlife. As has been mentioned, this job is a very demanding job, and several of the states have extremely small staffs, including Rhode Island -- a staff of essentially one.

I can envision if I have to take over the chairmanship of that Committee, the rest of the work that we do will suffer severely. I would like to see maybe the Commission be the permanent chair of the Committee.

CHAIRMAN COLVIN: That's an interesting idea. That is something that we talked about, but the impression that we had with limited input, admittedly an informal input, is that by and large the Technical Committee members would prefer to select the chairman from among their members.

That's how we wrote it. I think that despite Tom's concern -- and you will find that same issue, by the way, addressed in the next subject area a little differently -- I think it is probably on balance best that the chair come from the membership. George.

MR. LAPOINTE: I quite agree, Mr. Chairman. I mean, the Commission has operated for a long time vesting the leadership of the Committees in the state agencies rather than the Commission and I think that's a good and sound decision.

The concern about workload is a valid one. I wonder what it will do, because none of us have learned how to clone staff yet nor pay for a lot of new staff. It will slow down the schedule. That's the bottom line.

CHAIRMAN COLVIN: Bruce.

MR. FREEMAN: Thank you, Mr. Chairman. I think the issue, Gordon, as you indicate, has been discussed on various plans, not

only lobster, but with the present budget, that's simply not doable.

So, I don't think we have an alternative at this point other than proceed with what's suggested here. My other question is do you want to go through all these or do you want a formal adoption of these? Do you want to do --

CHAIRMAN COLVIN: My suggestion is that if any of the Board members want to see a recommendation other than that which is here, identify it at the time and we would move only that change and then at the end we can move the entire document. Yes.

DR. MICHAEL A. RICE: I'd like to urge the consideration of Mr. Allen's concern about representation of social science and economics within the Technical panel and have essentially permanent members in there with that sort of training. Thank you.

I really do believe he has a point that this is sort of a very important, yet underrepresented group within the panels.

CHAIRMAN COLVIN: If we're going to do something other than what's here, I will need a motion. Jill.

SENATOR GOLDTHWAIT: I'm not ready for a motion, but I can't find in the materials any list of the existing seats and on what basis they're designated, so I'm not entirely clear on what we're losing.

I know we have, I think, an economic and a social scientist position, but I don't know what else is represented on the Board currently so I don't know what we're losing by having one person per state.

CHAIRMAN COLVIN: Amy is going to outline the current membership on the Technical Committee.

MS. SCHICK: The membership was included in the handout that we gave at the last meeting. It was a longer memo and we cut it out just for shortness sake. But the state of Maine has four total members, two agency members and two appointed by the Committee of Economic and Social Science.

New Hampshire has one member from the agency. Massachusetts has two agency members, one which is appointed by the Committee of Economic and Social Sciences.

Rhode Island has two members, one from the agency and one from the University. Connecticut has two members, one from the agency and one from the utilities company. New York has one member from the agency.

New Jersey has one member from the agency, and the National Marine Fisheries Service has one member from the agency.

CHAIRMAN COLVIN: I believe that consistent with this proposal was the retention of a subcommittee on economics and

social sciences who would be expected to attend and participate in Technical Committee deliberations when the agenda of those deliberations called for it and not when otherwise; and that is, in part, a financial consideration.

I think it's also expected that there may well be established other standing subcommittees. I know that one that I've expressed interest in paneling and becoming more involved in time is a Lobster Health Subcommittee.

SENATOR GOLDTHWAIT: If I could follow up, my question is, really, what are the designations attached to those seats? Is it simply a number per state, and states chose to send somebody from utilities or somebody from economics? Are there designated seats for specific backgrounds, or --

CHAIRMAN COLVIN: Let me just say that it has kind of evolved and that's why we have to step in and clean it up. Is there going to be a motion or do we move on to the next one?

Let's move on to the Stock Assessment Subcommittee. We can always come back if somebody needs to.

MS. SCHICK: I just want to make one last note about Technical Committee leadership. Carl LoBue has lead the efforts of the Technical Committee through a long two years and many, many challenges.

His term will be expiring this summer so Board members should be aware that there will be a need to elect a chair and vice-chair. There currently is not a vice-chair of the Technical Committee.

So with these changes, changes in the leadership of the Technical Committee will take place fairly shortly this summer, most likely to the relief of Carl LoBue.

MR. LAPOINTE: His hair is still black.

MS. SCHICK: The next Committee is the Stock Assessment Subcommittee, which is a subcommittee of the Technical Committee. This is a group of experts in fish population dynamics and is appointed and convened by the Technical Committee at the request of the Lobster Board to prepare a stock assessment.

The Stock Assessment Subcommittee is responsible for data analysis and preliminary preparation of a stock assessment report. Any report that the Subcommittee prepares would then be reviewed by the Technical Committee for evaluation and consideration.

The composition of the Stock Assessment Subcommittee -- and this is a proposed change -- that the Stock Assessment Subcommittee should consist of a maximum of six members. Membership should be comprised entirely of experts in stock assessment and fish population dynamics.

It's important to preserve the diversity of scientific viewpoints while assuring that each of the Subcommittee members has

experience in the stock assessment and population dynamics.

The Technical Committee should identify the Stock Assessment Subcommittee membership for Board acceptance. And membership to the Subcommittee should not be limited to Technical Committee members.

The Technical Committee could go beyond its membership. This is a change from what we currently have, which is a Subcommittee of about 15 members which is the same size as the Technical Committee and not all the people on the Subcommittee now have experience in stock assessment or fish population dynamics.

In terms of leadership, the Subcommittee should elect a chair from within its membership. This person must be willing and able to commit the time and energy required by the job similar to the leadership of the Technical Committee.

The chair would be in frequent contact with the FMP Coordinator and the Technical Committee chair and the Lobster Board chair. Based on our recent experience, it's possible that a candidate chair may not step forward under these circumstances.

In this case the Board should consider two options: a request to the agency representatives who should confer with their Committee members and identify a person to be made available to assume the job; or to have the Board engage an independent person with appropriate credentials to step in as the chair of the Committee.

CHAIRMAN COLVIN: Questions or comments on Stock Assessment Subcommittee? Jill.

SENATOR GOLDTHWAIT: Could you elaborate a little bit on number 2 there, the Board engaging an independent person to step in as chair? Does that mean literally hiring --

CHAIRMAN COLVIN: Basically, contract with a party that we'd have to pay for those services, undoubtedly, that would be accepted as both an expert and a person capable of leading a group of this nature. It might well be a retired senior scientist from a university or one of the agencies.

SENATOR GOLDTHWAIT: How does this fit with the general desire to streamline the process for financial reasons?

CHAIRMAN COLVIN: Well, we've reduced our paid attendance here from 15 to 6. I think we need to recognize that in the future, as in the past, stock assessments need to be done.

They need to be done on a reasonably timely basis. Maybe 18 months -- was it -- is not a necessary amount of time. And there are certainly cost savings that can be done there if we have the right-sized group with somebody who is able to invest the time to lead the effort.

I think, in the long run, whether we have to go to a paid

chairperson or not, this proposal will operate much more efficiently and cost effectively than what we've experienced. Ernie.

MR. ERNEST E. BECKWITH, JR.: Thank you, Mr. Chairman. This proposal doesn't make any mention of members of the Technical Committee being on the Stock Assessment Subcommittee. I would assume in many cases they would be. I was just thinking that perhaps in terms of coordination, the chairman of the Technical Committee could be a member or should be a member of the Stock Assessment Subcommittee.

CHAIRMAN COLVIN: I guess it would be my opinion, without necessarily writing it down, that ordinarily the chair or vice-chair of the Technical Committee would be at least an ex-officio member of any subcommittee that advises the Board on technical issues, including the Stock Assessment Subcommittee or any of the more specific technical committees that we empanel.

I think that that's necessary for appropriate coordination and communication. I think, in most cases, it will be done without us needing to say so, but I don't know if others would agree or disagree with that or whether Carl would want to add to that in terms of his experience. Pete.

MR. JENSEN: Relative to Ernie's question, if I'm understanding the makeup of the Technical Committee now, it's going to be one member per state or agency?

CHAIRMAN COLVIN: That's correct.

MR. JENSEN: Right, and so there's going to be, as I read it now, eight members of the Technical Committee; right? And up to six of them would be a subcommittee for stock assessment?

CHAIRMAN COLVIN: They would not be the same individuals, Pete. They would not be the same individuals. In fact, they could be, and there's nothing that precludes a state Technical Committee member from being on the Stock Assessment Subcommittee, but they are not by definition the same.

It may well be that the persons with the expertise in stock assessment and population dynamics are in addition to those who are on the Technical Committee and that's not uncommon in some of our other committees as well.

MR. JENSEN: Well, I guess what I'm suggesting is that the numbers almost indicate that it has to be that way. Otherwise, you end up diverting a lot of people off the Technical Committee to the Stock Assessment Subcommittee and people just don't have time enough to do everything.

CHAIRMAN COLVIN: Even though we had 15 people on the Stock Assessment Subcommittee the last go 'round, not all of those were on the Technical Committee either. Harry.

MR. MEARS: Mr. Chairman, I believe a clarification would be

helpful with regard to the subcommittee itself. I believe as written it's not intended to be a standing committee.

At least that's my interpretation of the present narrative. I'd like to ask the question does the chair of the Technical Committee have the flexibility or the prerogative to nominate and maintain a Stock Assessment Subcommittee at a time which does not involve the active preparation of a stock assessment?

CHAIRMAN COLVIN: I think, actually, Harry, the basic intention is that this would be a standing committee, again, as it is for most of our management programs. As Amy has pointed out, the language in the first sentence that suggests otherwise can be edited to make that clear.

There's no further discussion? Yes.

DR. RICE: Mr. Chairman, a question of semantics. By calling it a subcommittee, isn't there sort of a tacit implication that the members of this Committee are members of the Technical Committee? Wouldn't it be more proper to call it a committee that reports to the Technical Committee?

CHAIRMAN COLVIN: That's probably true. I think this is, to some degree, a reflection of convention that we've used the term "stock assessment subcommittee" fairly widely in the ISFMP; and as I said, in many cases the membership is partly overlapping the Technical Committee but not completely. So, semantically, I think you're correct.

I think in terms of comparison with just our general practice, this is kind of what we've done. I understand your point. Bonnie.

MS. SPINAZZOLA: Gordon, I'm wondering with the wording, "one person from each state", whether that would preclude the National Marine Fisheries Service scientists from being on that subcommittee. And if that's the case, is there representation or enough knowledge throughout the states of the offshore area?

MS. SCHICK: Bonnie, I think you're looking back at the Technical Committee. It says, "one member per active state or federal agency." For the Stock Assessment Subcommittee, it just says, "a maximum of six members."

And it doesn't say where those members can come from. They could come from the states, from the National Marine Fisheries Service, universities. It would be up to the appointment of the Technical Committee.

CHAIRMAN COLVIN: Even, God forbid, they could all be from NMFS.

MS. SPINAZZOLA: I would just like to recommend that there is a knowledge. I understand ASMFC's concern with the state, and it is basically a state organization, and I just want to make sure that offshore and the federal areas aren't forgotten.

CHAIRMAN COLVIN: Anything else on Stock Assessment Subcommittee?

MR. KEVIN KELLEY: I'm Kevin Kelley from the Maine Department of Marine Resources, and I'm on both the Technical Committee and the Stock Assessment Subcommittee. Going from 15 down to 6 does seem kind of a drastic drop. I was wondering why the --

CHAIRMAN COLVIN: Six is about the number we have on most of our stock assessment subcommittees for other species. I would think that if we got to a situation where the Technical Committee came to this Board and said, "We need to have these eight individuals because" and justified it, that even though the common rule was six, if this Board was able to find the money, we could accommodate differences with justification.

But by and large, about six is what we usually do for stock assessments. Advisory panel.

MS. SCHICK: There have been some questions that have come up recently about the interaction of the advisory panels and the lobster conservation management teams. The LCMTs are new to the lobster management program with the adoption of Amendment III.

There has been a request for clarification of the roles of these two bodies. So, the role of the Advisory Panel is to advise the Board in the development and monitoring of the Lobster Management Program, and traditionally, they have taken a coastwide approach to their recommendations and their comments.

This would include recommendations on reference points, non-trap gear, whale interactions, something that is general and coastwide. On the other hand, the Lobster Conservation Management Teams will focus on area management only and recommendations for management measures within their areas.

There may be a situation where the Advisory Panel may be asked to examine, based on coastwide concerns, issues that emerge from individual or multiple lobster management areas which have implications in other management areas.

An example might be the recommendation for gauge increases that are on a differential time schedule in adjacent areas. And in that case, the Advisory Panel may be asked to comment on the coastwide implementation of those measures.

However, specific area management measures would come from the Lobster Conservation Management Teams. The meeting arrangements and staff support for the Advisory Panel is done by the Commission.

Leadership of the Advisory Panel, a chair and vice chair, should be elected and serve for a two-year term. This is standard operating policies for the ISFMP and is designated in the Advisory Committee Charter.

In terms of composition, industry input to the management program has significantly increased with the establishment of the Lobster Conservation Management Teams; therefore, a large Advisory Panel may no longer be necessary.

A recommendation coming forward, which would be a change to the current Advisory Panel structure, is that the Advisory Panel membership should be reconstituted, and that new membership shall be comprised of two representatives for the states of Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York and New Jersey and that one Advisory Panel member would be nominated for the states of Delaware, Maryland, Virginia and North Carolina.

To make the transition from the old Advisory Panel to the new Advisory Panel numbers, it is felt that this should be done through attrition so as Panel members' terms expire, only the number of new Panel members would be re-elected.

MR. WHITE: Amy, could you give us those numbers again?

MS. SCHICK: Sure, it's two members for the states of Maine through New Jersey and one member for the de minimis states, Delaware, Maryland, Virginia, North Carolina.

CHAIRMAN COLVIN: Now going back to two meetings ago when we first began the discussion of this issue, we had solicited input from the Board on the issue of Advisory Panel membership and whether and how to revise it.

I think we didn't get a heck of a lot, so this proposal was generated for more or less as it is for our last meeting, and I think the one change since then is the notion of accomplishing the change from the current structure to the proposed structure through an attrition at the expiration of terms of existing members rather than through any kind of surgical action at this time.

Again, by and large, there's been little input from the Board on this issue even though we know it's prospectively sensitive and controversial. We expect, as I've said, to conclude our discussions of it today.

We hope that the absence of comment until now means that the Board members generally accept this. However, this is the Lobster Board; this is the Lobster Management Program, and I'm sure we'll have a spirited discussion.

That said, I just wanted to remind you of how we got here. Are there comments and discussion on this issue? Bill.

MR. ADLER: First of all, I would have preferred to have the Lobster Advisory Panel meeting before this one so they could have discussed this idea. I have a problem with reducing the Lobster Advisory Panel membership down to the two per state.

I remember a discussion we had yesterday at the LGA meeting where we got into the discussion of how important advisory panels are, and also the gist of the discussion centered on the cooperation of the user groups with the management process.

It was indicated that the advisory panel system that the Atlantic States seems to have in place is a plus for the Atlantic States

management operations over some other agencies.

The idea is that the Atlantic States, many feel, have been receptive to the advisory panel recommendations and in many cases, if possible, have incorporated it. This has been productive, I think, to getting the management process going with the public and the users feeling that they've got a say in it.

I feel that once the Atlantic States start to dismantle or at least be viewed as dismantling, although I'm sure the intentions are very good here, but the dismantling of any of the advisory panel makeup, I think, would be viewed as being counterproductive to our so-far positive approach to the management thing.

So I am opposed to dropping this. I know there's the LCMT system as well, but the lobster industry is a big, big industry and a very important industry and I think it needs this. And if money is the issue, then, all right, let's talk about money, if that's the problem.

But I think that the advisory system we've got here we should keep.

CHAIRMAN COLVIN: Thank you. I would point out that the number of prospective Advisory Panel members would change from 21 to 18, total. Pat.

MR. WHITE: Yes, and while I agree with that, it also changes the distribution of the Advisory Panel.

CHAIRMAN COLVIN: Yes, it does.

MR. WHITE: And I can't believe that the Advisory Panel is an expense thing. I wholeheartedly agree with what Bill is saying, and I think the current Panel is much more reflective of the effort of the lobster industry than the proposed Panel would be, and I, at this point, would be against it changing.

CHAIRMAN COLVIN: Senator.

SENATOR GOLDTHWAIT: Thank you. One of the greatest values of -- I'm speaking specifically to Maine's experience with this -- is having four advisors on a very lengthy coastline with many, many licensees is that it gives a couple more people direct exposure to the ASMFC process.

They are able to in turn take that back to their respective areas. As much as we try to make this process transparent to the public, it's a very difficult assignment.

The most effective tool for getting what's happening in these rooms back to the waterfront is the fishermen advisors who are involved. It would be, in my view, a step backward to lose any members of that Advisory Panel because of that communication role that they play.

CHAIRMAN COLVIN: I would like to ask the Board members to think hard about what specific different proposal they would like to offer. I would like to point out a couple of issues with

respect to the current distribution of membership.

One is that there is no member south of New Jersey and no provision for any. Another issue is that the state that has had the third highest landings has one member and it looks at a state with a 17-mile coastline with four.

There are some issues with respect to the distribution of membership. Mr. Freeman.

MR. FREEMAN: This issue is a considerable concern. We have been at the southern end of the range. Although the fishery is small, when you look at the number of people, those people involved, it's as important to them as it is to anyone certainly in the state of Maine.

The meetings for the advisory panels have been predominantly if not entirely in the New England area. Our opinion is we should distribute those meetings along the coast where lobsters are harvested.

One of the justifications for having those meetings is that primarily the fisheries centered in this area and most of the members on those Committees are from this area, so in order to reduce our expenses, it can be argued that the meeting should be held in New England.

But in so doing, we essentially have a difficult time getting representation. We also, when looking at other species plans, have been limited to one advisory panel per year because there aren't sufficient funds for those species.

Although I appreciate the concerns expressed on representation, we'd like to see that throughout the coast, when we're looking at other species plans where we're being reduced in the meetings that can be held because of budgetary limitations.

We need to look very seriously at how our money is being spent and whether we're getting representation on other plans as well as lobster. At the present time I would suggest that's not the case.

CHAIRMAN COLVIN: Senator.

SENATOR GOLDTHWAIT: Thank you. All things being relative, a Providence meeting is a seven-hour drive for one of our advisors. This Portland meeting was a three and a half hour drive for him.

So, I don't know exactly how long it takes to drive from New Jersey to Providence, but that may be about a half-way point. And it, in fact, makes it inaccessible often for somebody who is in the fisheries, because a day or a half-day meeting is three days off the water when you figure in the travel time.

So, I think the fact that meetings are often held in Providence, which may be the central location, that puts it off limits to many of our fishermen, including sometimes the advisors, so even a meeting that's within our state borders may be a three and a half, four or five hour drive for somebody from Maine.

MR. FREEMAN: Well, if I may, I certainly appreciate that concern and Maine certainly is a large state, but we'd like to invite you to have a meeting further south. Our travel times are considerable as well.

This entire issue is one which, I think, needs to be looked at very closely because of, again, the budgetary problems we've had with the Commission. With other species plans, again, we have one meeting per year because of budgetary limitations. And that's of the Board, the advisors and of the technical committee.

CHAIRMAN COLVIN: John Nelson.

MR. NELSON: Thank you, Mr. Chairman. I was just wondering when we first set up the Advisory Panel, the intent was to try to be as inclusive as possible and I think we certainly probably accomplished that.

Some states, you know, volunteered to try to incorporate not just regular commercial members on the Advisory Board and provided membership from recreational and other gear sectors which, at that time, we certainly wanted to have involved.

I just wonder if we want to rethink the structure of the Panel and maybe that helps address the distribution aspect of it, reassigning positions, seats, accordingly, but try to compensate for that through the LCMT process, which could allow for all sectors to provide their input.

I mean, we have two advisory panels here is what we boil down to. I think it's how do we want to use them and how do we want to use it in the most effective and efficient manner. Perhaps, there's this overlap that we really need to think about and redistribute.

CHAIRMAN COLVIN: The primary purpose of writing what has been written here is to establish a distinction between the roles of the Advisory Panel as a group of industry advisors who provide input to the Board on coastwide management issues, as Amy laid out before, as opposed to the LCMT members who develop specific proposals for the specific management areas.

I think that it's important for all of us to conclude that an appropriate distinction has been laid out in the text that's before us. That's its major purpose because there's been confusion on that issue.

LCMT membership is spelled out pretty much in Amendment III. AP membership is a matter of history, as John has reminded us. It doesn't need to change except, as I pointed out before, I think that there are some issues out there that may exist in the mind of some Board members and in the mind of some industry members.

I'm not quite sure what you're proposing, John. Is it, basically, to take more time and revisit this issue of how the interests were identified in the first place?

MR. NELSON: Well, you've probably gotten more feedback now, Mr. Chairman, than certainly you had received previously.

CHAIRMAN COLVIN: Well, 100 percent of the feedback on this issue has occurred at this table. Frankly, you know, I have a problem with that. That is a difficulty in the process. It should not happen; we all know that. But it's not unique to this, and it ought not to happen in the future.

MR. NELSON: Yes, but I think when the ink hits the paper, it has a tendency for folks to focus on it a little bit more. I'm merely suggesting that perhaps it is appropriate to revisit the Advisory Panel composition.

You know, previously that was the only way we could get input. That has changed now with the establishment of the LCMTs.

So, it is not inappropriate to at least discuss that, whether or not recreational interests is better factored into the LCMTs, whether or not other gear sectors would be better represented in the LCMTs.

I would sense that that is where they would be highly effective, because that's the area that they're fishing in; therefore, the rules that affect them are proposed rules they could address directly.

So, therefore, are we saying or suggesting that industry membership is what we're looking at for the Advisory Board? So I want to be very clear about that. You're going to separate out some sectors that fish for lobsters and put them into a different area for them to provide their input.

If you're doing that, then that probably whittles down the Advisory Panel. I know for the state of New Hampshire it whittles it down by two because we had volunteered to provide recreational and other gear sector in our allotment and we put people into those slots.

So, whittling that down by two comes into your scheme of things, Mr. Chairman, and I would suggest that we take a look at it; and if that provides an opportunity for those two to be utilized for states south of -- what was it -- New Jersey and southward, then we certainly are willing -- I'd be willing to certainly look at it from that standpoint.

CHAIRMAN COLVIN: George.

MR. LAPOINTE: I quite agree with the Chair that there's a distinction between the LCMT and the Advisory Panel. As you said, Mr. Chairman, the Advisory Panel is based on the history as it has developed over the course of the last five years or so.

Because of what both Pat and Jill said about particularly Maine's coastline and Maine's fishery, it would seem like an alternative would be for Maine and Massachusetts to have three or four members and then go to two and one.

We get representation to the south and we retain some of the history we've had and distribution of advisors.

CHAIRMAN COLVIN: Is that a motion?

MR. LAPOINTE: It could be if -- is it appropriate?

CHAIRMAN COLVIN: I think it would be appropriate to put something out for specific discussion.

MR. LAPOINTE: I will then move that for Advisory Panel membership, the new membership would be: four members each from the states of Maine and Massachusetts; two each from New Hampshire, Rhode Island, Connecticut, New York and New Jersey; and one each from the states to the south of there.

MR. AUGUSTINE: Second the motion for discussion.

CHAIRMAN COLVIN: Seconded by Pat Augustine for discussion. Discussion on the motion, please. Pat.

MR. AUGUSTINE: Thank you, Mr. Chairman. Thank you for that motion, George. It was long overdue. There's no question there is a clear distinction between the LCMTs and the advisors, remembering the advisors are really working on a coastwide basis.

I think their responsibility is to clearly identify what would be the truest value, best value, and the right direction to recommend to the Management Board that the whole plan should go; whereby, if I understand correctly, the LCMTs are local, area-focused, what is best for their total area in regards to the FMP and how it will work best for them. So, I think this is a step in the right direction. Thank you, Mr. Chairman.

CHAIRMAN COLVIN: Further discussion on the motion? Is there public comment on the motion? Yes.

MR. DAVID SPENCER: David Spencer. I'm currently on the Advisory Panel. I have a problem with this. I think there's a very high probability that certain areas aren't going to be represented.

I would ask how many people from states with two choices are going to appoint somebody to offshore? I don't think anybody. I think what does Massachusetts do with four areas?

You're going to have lack of representation. If this is a budgetary issue, then allocate how many people are allowed to be reimbursed and make sure every area is represented. Thank you.

CHAIRMAN COLVIN: Bonnie.

MS. SPINAZZOLA: Another suggestion might be if you take two people from each area -- make sure each area is represented by two people -- then have a chair and a vice-chair at least.

I understand some areas have larger coastlines and some have larger catches or whatever, but at least then you know that each area is represented. As David said, Massachusetts has four areas.

How do they get representation in all of their areas? Since it's a coastwide, since the Advisory Panel does look at a coastwide and resource-wide situation, they need representation from all the areas to make sure that whatever is being recommended and whatever is being put out as a whole, total plan works within the entire resource.

CHAIRMAN COLVIN: Any further comment? Bruce.

MR. FREEMAN: If I understood what you said earlier, there are existing 21 members, and under this proposal it would be 22 members. We just increased it by one.

CHAIRMAN COLVIN: Right.

MR. FREEMAN: And we'll be at some other session during this meeting talking about budgets, is that correct?

CHAIRMAN COLVIN: Again, there are aspects of this entire organization proposal that had to do with where the issue was the number of people involved. That was not the issue on the Advisory Panel.

The issue on the Advisory Panel was primarily to create the distinction between the LCMTs and the Advisory Panel roles and responsibilities.

A secondary issue was, in the case of the Advisory Panel, to deal with questions that have arisen about distribution of Panel members. This motion addresses the second of those.

MR. FREEMAN: Well, I recall when this issue came up at the LCMTs, we had considerable discussion on whether they should be paid for by the Commission or not. We got into the numbers, looking at how we get representation, and determined that the Commission couldn't afford to pay for them.

Then it was brought up, the issue that they'd pay for their own way. That was a very contentious issue by many people because we did want as much advice as possible. But we ended up settling with the LCMTs, whoever decided they would serve on those, would serve at their own expense.

The meetings that were held, although there weren't that many, were of considerable expense. These people not only had travel expenses but giving up the days fishing. That was primarily the major expense involved.

I'm just somewhat baffled at going from that system to one now we're increasing the advisors. Maybe we need to increase the advisors, but my concern is in another day or so, we're going to be talking about budgets and then we're going to hear a very different story.

I know we've been through the difficult time of determining other species management boards. We've actually reduced budgets of those boards and we're not meeting because of those reduced budgets. I'm just wondering how this all fits together. It doesn't



seem to fit very well.

CHAIRMAN COLVIN: Ernie.

MR. BECKWITH: Thank you, Mr. Chairman. I can certainly appreciate the comments made by the states that have a much larger lobster fishery than we in the state of Connecticut have and also has many more advisors than we have in Connecticut.

If you look at the handout that was given out at the last meeting, it lists all of the advisors from the states and the meeting dates and you can see that not all of the advisors have attended all the meetings.

In fact, some of the advisors have missed all of the meetings. So, I would question if this is such a large issue, why don't these people come and show up? I certainly would not support any proposal to increase the Advisory Panel beyond where it currently is. I would support a motion to make it more efficient and smaller.

CHAIRMAN COLVIN: Yes.

MR. GIL POPE: Mr. Chairman, are there any other Advisory Panels that have this type of makeup? I notice Rhode Island has two striped bass advisors and Maryland has two. And it seems like those are probably the two greatest divergent numbers as far as quotas go and so on.

So, I'm just curious as to why this particular makeup is. I don't know if there are any others or not.

CHAIRMAN COLVIN: I don't know where Tina is. She can probably answer that question better than anyone. I am aware that I think sturgeon has a makeup that is not based on a number per state.

I'm not sure about any others. Yes, I suspect horseshoe crab is a little different. In fact, I know that horseshoe crab is a lot different. Jack, can you help us out here at all? No, he's not sure either. Ralph, or whoever you are over there.

MR. RALPH MALING: I'm taking it from him with my nice shiny head. Listen to the voice, people, you'll hear it. As to Ernie's comments that some of the people didn't show up, that is not truly accurate.

We have one from our state who's getting off and another guy is coming on. He never missed a meeting, yet he's down as missing three, I believe. There are people that have never ever shown up at the meetings.

Yet, I've contacted them and tried to contact them and I couldn't get any contact. I think the issue goes back to the states. The states that have approved these people should relook at it; take another look because the Advisory Panel has worked very well.

We work very hard when we have our meetings. We do a lot of telephoning amongst ourselves. So, I really get a little bit

nervous about cutting down on the Advisory Panel and building up on the LCMTs when the LCMTs are a very large group and they represent fishermen and their own opinions.

They represent their own opinions, those on the LCMTs, whereas the advisors represent a variety of fishermen in their area. It is true that Maine has a long, long line. And they need the amount of advisors they have.

They do not have a recreational advisor on their panel. They do not have a draggerman because neither one of those would suffice on that Panel. They have four commercial fishermen representing 7,000 licenses.

Massachusetts has four different areas. We have a recreational representative on our Advisory Panel that to my knowledge has always come to the meetings. I've never missed one of the meetings.

I've got to look at that list on whether we have a draggerman or not.

MR. ADLER: No, we have offshore.

MR. MALING: Yes, all right. We have the offshore, two representatives inshore, one offshore. Massachusetts has that unique of a lot of people.

Again, when you go down into Rhode Island, Rhode Island has four representatives, but Connecticut only has two.

I agree with Connecticut. They land a lot of lobsters. But New York has only one. And New York is part of that Long Island Sound area so they really do have three to represent Long Island Sound, a combination of New York and Connecticut, although I wouldn't object to either one of them having one more.

But, the process has worked very well. The LCMTs are more or less an offshoot of what they had from the National Marine Fisheries Service. The only feedback you get from the LCMTs in the present system is the LCMT members that are also advisors, you get what Amy brings you and you get what -- in the case of, let's just take Area 1 -- John Nelson sits on there and John Nelson brings that back.

But what the Advisory Panel looks at is that when this feedback comes into them or to the Board, it can take a different slant. The person that sits at that meeting, he brings in what he has heard and he brings in his spin.

So, it's an area thing and the Advisory Panel looks at the whole issue over the entire coast and what is good for the industry. If we give up and accept this with less members and the LCMTs come in with more input, we're not really working efficiently because there are a lot of AP members that are LCMT members.

They are two separate issues, completely. You can't judge the lines for Advisory Panel by what other panels do in other species. Other species, you take the recreationals, the striped bass, it's all

recreational.

Commercial doesn't get real representation. Is it fair? I think it is. There are millions of recreational fishermen, few commercial. In the lobster, we're all commercial.

Recreational has their representation, but it is commercial. It is the biggest fishery in the northeast. In dollars and cents, we are the biggest. We must have the representation as an industry. We do the job. Don't cut us out from underneath.

Their money can be found. Maybe the National Marine Fisheries can send a little more money down to us. But it's a budget issue. It's not an issue of efficiency. I see it as strictly a budget issue. Thank you.

CHAIRMAN COLVIN: Dennis Abbott.

REPRESENTATIVE DENNIS ABBOTT: Thank you, Mr. Chairman. I'd like to offer a friendly amendment, if I may. Having a small caucus here with the states south of us and understanding that New Hampshire is willing to lose two representatives, we'd like to make an amendment that the states of Delaware, Maryland, Virginia and North Carolina not be represented on the Advisory Board and that the other numbers stay as were offered by the state of Maine. Thank you.

CHAIRMAN COLVIN: I want to make sure that Jack has the suggested amendment. I guess the effect of the amendment, Dennis, would be to simply strike the last clause after the semi-colon?

REPRESENTATIVE ABBOTT: Yes.

CHAIRMAN COLVIN: The mover of this motion was George. Is that acceptable to you?

MR. LAPOINTE: It's acceptable. We can do it for discussion, but in this manner. Maine doesn't, for instance, have an advisor on the horseshoe crab panel and the summer flounder panel in spite of the fact that we are governed by those plans, if, in fact, the Board deliberations take the concerns of those states into account as we've done in the past.

CHAIRMAN COLVIN: Thank you. Pat, you have objection to the --

MR. AUGUSTINE: Yes, I do.

CHAIRMAN COLVIN: You object to the --

MR. AUGUSTINE: I want to make the not friendly amendment to the amendment.

CHAIRMAN COLVIN: The seconder of the main motion has not accepted the amendment; therefore, the amendment stands as a motion to amend. Is there a second to the motion to amend?

MR. JENSEN: Second.

CHAIRMAN COLVIN: Seconded by Mr. Jensen. Discussion on the motion to amend. Is it clear to all that the motion to amend simply deletes the words, "and one each from the states south of New Jersey." Mr. Freeman.

MR. FREEMAN: Just for the record, then, that would make the maximum number on that committee 18.

CHAIRMAN COLVIN: That is correct. John Nelson.

MR. NELSON: Also, just part of the discussion, Mr. Chairman, although we have not got there, I think that clearly the intent is for the states south of New Jersey to be represented, as they desire, on the LCMTs so that they can provide their input at that time.

CHAIRMAN COLVIN: That is correct. Of course, that opportunity exists in the respective management areas. Pat Augustine.

MR. AUGUSTINE: Thank you, Mr. Chairman. I'd like to make a not-so-friendly amendment. I would move that the Advisory Panel membership be three from Maine and Massachusetts, two from each of the following states: New Hampshire, Rhode Island, Connecticut, New Jersey and New York; and taking the language from the recommendation, the states of Delaware, Maryland, Virginia and North Carolina "may" designate one advisor. I think that reduces it even further.

CHAIRMAN COLVIN: I'm going to rule that that amendment is not in order at this time with the motion to amend on the table. It may well be in order after action on the motion to amend.

But it would not be at this moment in time. Is there further discussion on the motion to amend? Seeing none, we'll take the question. All in favor of the motion to amend, please raise your right hand. I'm sorry, caucus.

Are we finished caucusing? Call the question. All in favor, please signify by raising your right hand; opposed same sign; abstentions; null votes. The motion to amend carries.

Is there further discussion on the main motion as amended? Mr. Augustine.

MR. AUGUSTINE: Thank you, Mr. Chairman. I move to amend the main motion, not as a friendly amendment, to amend it. Change it again to membership to be three each from Maine and Massachusetts, two each from New Hampshire, Rhode Island, Connecticut, New Jersey and New York, and the last sentence, instead of saying "and one each from the states south of New Jersey"; to be as originally in the recommendation "states of Delaware, Maryland, Virginia, and North Carolina may designate one advisor."

MR. BECKWITH: May I ask the mover a question?

CHAIRMAN COLVIN: Question of the -- point of order.

MR. BECKWITH: Is that one for all of those states or one each for each of those?

MR. AUGUSTINE: One each if they so desire to have an advisor. Right now they are represented on the LCMTs.

DR. RICE: I'd like to second that amendment.

CHAIRMAN COLVIN: There's a second to the amendment. I would point out that, kind of for the record, the last part of that motion is contrary to the motion to amend just passed.

In fact, if membership to the Advisory Panel is based on a formula which specifies a number per state, whatever that number may be, then, in fact, it is up to that state whether or not it chooses to appoint that many members anyhow.

So, basically, that part of the motion amounts to a reinstatement of the language just stricken from the main motion. Even though it's worded in a way, a little differently, it still exactly amounts to the same thing.

On that basis, I think I need to find this motion to amend out of order.

MR. AUGUSTINE: Point of order, Mr. Chairman.

CHAIRMAN COLVIN: By all means.

MR. AUGUSTINE: On the previous motion it was, "and one each from the states south of New Jersey."

CHAIRMAN COLVIN: Correct.

MR. AUGUSTINE: If I read that correctly, it means they "will" as opposed to saying "may" which gives them the option to or not to.

CHAIRMAN COLVIN: I think that's the point I just tried to address, that this Board cannot compel Maine to appoint four members, New York to appoint two members or Maryland to appoint one member.

This Board can only enable those states to appoint as many members as they are entitled to, but it is entirely their option to do so. That's why I see no distinction between the language proposed and the language previously excluded from the motion.  
Mr. Shepard.

MR. MELVIN SHEPARD: Mr. Chairman, I think I want to rise to a point of order that what Mr. Augustine is trying to do is amend something that has already been changed. That last part of that thing doesn't exist --

CHAIRMAN COLVIN: That's right.

MR. SHEPARD: -- anymore.

CHAIRMAN COLVIN: That's why I ruled his amendment out of order. John Nelson.

MR. NELSON: Are we commenting on the motion before us?

CHAIRMAN COLVIN: Comment on the main motion as amended.

MR. NELSON: Okay, Mr. Chairman, I think one of the concerns that this type of differentiation of numbers starts creating is how are problems or concerns from states that are less represented going to actually be heard.

When you come to voting, you don't have the equal weighting even though the concern is a very valid concern. We get around that in our deliberations by having one vote per state, no matter how many members happen to be there, whether it's three, one, or two on the Board levels.

It may be something that should be considered by the Advisory Panel on how they come up to judge what's their position on a particular issue. Right now, you could have two states that, basically, could sway because of the weight of their numbers, the way the issue is framed, and the other states may not necessarily have the votes to disagree with that or they may disagree with it and just be viewed as a minority vote.

I think that's something that your original proposal dealt with very nicely, although perhaps we were dealing with the concern about the adequate representation from geographically situated states.

I don't know how to get around that, other than I would suggest that it would be our strong recommendation to the advisors that they discuss that and come back to us with how they resolve that particular type of issue, if this passes.

CHAIRMAN COLVIN: If I can, also, express a concern or a point of view that, in general -- and this is not a lobster issue, it's an advisory issue -- I personally find that advice that comes from advisory panels in terms of the results of votes is a lot less helpful to the management process than advice that comes in terms of a substantive narrative report on the views held by the advisory panelists and how those views may be distributed among the Panel membership, the more details the better.

I always was very favorably impressed with the work that Damon Tatem did as chairman of the Striped Bass Advisory Panel in carefully bringing forward different viewpoints with different spokespersons from the Advisory Panel to represent that viewpoint at the management board.

I felt that that is an ideal approach, maybe one that can't always be attained but certainly far superior to simply reporting the results of a vote. Ralph.

MR. MALING: On that issue, I have more or less tried to come to consensus and we usually do. If we get to a point we are on a 5-4 vote, we can't give you any advice because we're fractured. If we were to give you both sides of the argument, then you would be doing our work for us.

We most of the time end up with consensus. I think that is a far better means of bringing information to this panel than the votes. So I wouldn't suggest that Maine have one vote because it just won't work. It's a coastwide issue and we discuss it about the whole coast.

CHAIRMAN COLVIN: Bruce. I'm going to go to the public comment in a second.

MR. FREEMAN: This is a difficult issue for us because, quite frankly, we'd like to see everyone who would like to be on the advisors to be on. It's not an issue, I think, of restricting people.

These votes are troubling because our real concern is the budgetary process. We don't want to lay the blame on the lobster management because we have other fisheries where we do have different representation.

If the existing system works well for New England with the representatives they have, we certainly don't want to disrupt that. I, quite frankly, am very concerned about the comments raised by New Hampshire, where under any one of these proposals they could lose representation.

I think that's unfortunate and perhaps shouldn't occur. But our concern here, from New Jersey, really is one of budgetary. As we increase the advisors on one management plan, we're decreasing them on the other or restricting the meetings because there essentially aren't funds.

That's really our concern. I, again, am troubled that we're restricting or reducing the membership of advisors from states. I definitely agree with what Ralph has indicated.

He has tried to form consensus when he does give advice to this Board. We're trying that procedure in all other advisory panels or advisory committees because of the problem, Ralph, that you mentioned where we get a vote from 5 to 6 or 4 to 5 or 3 to 2.

Quite frankly, it doesn't give any direction at all except that everyone is undecided. I greatly appreciate the work you've done in order to try to forge those consensus because it is difficult.

But, again, our concern really is one of budgetary. We're restricting other groups. I don't know how we get at this except when we deal with the budget, we're always cutting back somewhere. I'm very troubled on how we deal with this dilemma. It's very difficult.

CHAIRMAN COLVIN: Bob Munson.

MR. BOB MUNSON: Thank you, Mr. Chairman. I'm Bob Munson. I'm chair of the Advisory Committee to the ASMFC, and my main concern is that in doing this, what you're proposing here, is that you don't put yourself in a situation where you're going to lose the representation you have from the recreational sector in this.

If a state has to cut back, there's going to be a heck of a lot of

pressure from your commercial lobstermen to remain on the committee. You may lose very quickly, by attrition, the advice of the recreational divers who are also involved with this species. Thank you.

CHAIRMAN COLVIN: Thank you, Bob. David.

MR. SPENCER: David Spencer. No matter what the numbers are from each state, I still see no assurances that every area will have representation and I think that's the key part.

This whole process is area management. The state boundary lines don't reflect the area management lines. I think there should be a statement that every area will have representation and at the current levels, at least. Thank you.

CHAIRMAN COLVIN: Further discussion on the motion? Seeing none, we'll take the question; moment to caucus. Jack, can you read the motion because it's very hard to read from up here because of the lights.

EXECUTIVE DIRECTOR JOHN H. DUNNIGAN: Move that the Advisory Panel membership be four each from Maine and Massachusetts, two each from New Hampshire, Rhode Island Connecticut New Jersey and New York. Motion by Mr. Lapointe, seconded by Mr. Augustine.

CHAIRMAN COLVIN: Will all in favor, please signify by raising your right hand; opposed, same sign; abstentions; null votes. The motion carries. Bill.

MR. ADLER: Is it the intention of this that any state that has to or is going to reduce would do it by attrition?

CHAIRMAN COLVIN: Here's what's going to happen, Bill. We've voted on a motion which changes a specific segment of the text of this proposal. When we're all done, we need to have a motion that adopts the text of this document with whatever changes have been voted by motions, and so far it's just this one.

If we do that, that will adopt the text that says that we will make this change by attrition so that is the current intent. But, procedurally, we have one more step to do before that's implemented.

MR. ADLER: Thank you, Mr. Chairman.

CHAIRMAN COLVIN: Yes.

DR. RICE: Mr. Chairman, may we revisit the Technical Committee?

CHAIRMAN COLVIN: Revisit the Technical Committee? Do we have a motion?

DR. RICE: Yes.

CHAIRMAN COLVIN: If we have a motion, is there objection

to backtracking to the Technical Committee for a motion? Seeing none, I'll take the motion.

DR. RICE: Mr. Chairman, I have a motion and the motion is to add the sentence to composition that the Lobster Technical Committee has at least three members that shall have education or training in fisheries economics or social sciences.

DR. STEWART: Second.

CHAIRMAN COLVIN: Who seconded the motion? Lance. Moved and seconded. Jack will get it up on the screen. Is it the intent of this motion that the minimum of three members be in addition to the one member per active state/federal agency?

DR. RICE: No, it is not; selected by the states or made by agreement of the states.

CHAIRMAN COLVIN: Pat.

MR. WHITE: Just a question of order. Is there any way of designating where they're coming from? I have a little problem that one state could have all three or is there a way of clarifying that? Is this in addition to the total number?

CHAIRMAN COLVIN: It is not. That was the question I just asked. The motion proposes that of the members, which, I believe, are eight, three need to be economic and social scientists. The motion is silent as to how that's achieved. George.

MR. LAPOINTE: The difficulty with the motion is that it is going to proscribe for some states who their members are. It will take away the discretion of the commissioners from the respective states to plug in who they think can best represent the technical issues before the Commission that affect their state.

CHAIRMAN COLVIN: Does every state now have a representative from the social sciences or economic sciences? They do not. I knew that there were a number of members, but they're not one from every state.

MR. LAPOINTE: The memberships from economics and social sciences, if I remember, they were appointed by the Committee on Economics and Social Sciences.

CHAIRMAN COLVIN: And there are two from Maine and one from Massachusetts at the present time. Discussion on the motion? Bruce.

MR. FREEMAN: I'd just like to see the motion to understand exactly what it is.

CHAIRMAN COLVIN: Bruce, did you have a question?

MR. FREEMAN: Yes, I'd like to see the motion up on the screen. Did I miss it?

CHAIRMAN COLVIN: It was there for a minute.

MR. FREEMAN: Now, as I understand this, the total number on that committee will remain the same.

CHAIRMAN COLVIN: Yes.

MR. FREEMAN: These people will come from -- some state is going to give up a technical representative to put one of these on.

CHAIRMAN COLVIN: Correct. Mike.

DR. RICE: Mr. Chairman, to break the logjam on this one, I'd entertain a friendly amendment to amend it to say that the three would be in addition to the nine.

CHAIRMAN COLVIN: Who seconded the motion? Lance, would you object to a perfection of the motion that adds language that this would constitute an additional three members?

DR. STEWART: No.

CHAIRMAN COLVIN: Jack, do we have a perfection to the motion, then? I guess it would say, "has at least three additional members." Thank you. Does that do it, Mike?

DR. RICE: That would do it.

CHAIRMAN COLVIN: Pat.

MR. AUGUSTINE: Thank you, Mr. Chairman. It seems like we're going back in that other direction again. I thought this whole process was to streamline this whole process to reduce not only budget but to keep this group as tight as possible.

Now we're going to add three more folks to it. Whether you're switching or not, you add three more, you're going to put a significant financial strain on where we are already so I don't see how we could support that. Thank you.

CHAIRMAN COLVIN: Bruce Freeman.

MR. FREEMAN: We also have, tacitly, although we haven't voted on -- when we went through the technical, we also have a subcommittee that could be made up of social scientists and economists under the Technical Committee.

That's still there. In other words, if this motion passed, we'd have three on the Technical Committee plus we have the availability of putting another subcommittee together with similar people.

CHAIRMAN COLVIN: That's true, although, you know, for the record, it would be possible for the Board to take further action with respect to that subcommittee if this motion were to pass.

MR. FREEMAN: Well, I'd like to know the intent of the maker and the seconder of the motion if, indeed, this motion passed, what their position would be on the subcommittee.

DR. RICE: Essentially that would not preclude any member of the main committee being part of the subcommittee.

CHAIRMAN COLVIN: That would presume that the intent is to retain the subcommittee, Bruce.

MR. FREEMAN: Well, I can indicate relative or other comments. We would have to be opposed to this amendment.

CHAIRMAN COLVIN: Carl LoBue.

MR. LOBUE: I'd just like to point out that as chair for many meetings for about two years, we've had two meetings that have had a social scientist attend.

I think this might be better handled through a subcommittee because I just believe we have a lot of meetings, and it probably makes it difficult for these social scientists to come all the way out for what might be better handled through a subcommittee that we can send specific information to them when we need it, rather than having them attend every meeting. It doesn't help when they don't attend.

CHAIRMAN COLVIN: Lance Stewart.

DR. STEWART: Yes, I guess that satisfies the intent of our missing social scientists or economists from the Technical Committee process.

I realize we're mixing sciences, and it may not be an efficient process so just to reflect industry's concern that this is one of the most important aspects of a technical shaping of the industry function. We just wanted to make sure that this was retained so a subcommittee might be the better way. I don't know.

CHAIRMAN COLVIN: Jill.

SENATOR GOLDTHWAIT: Thank you, perhaps it would alleviate the concerns that I share with a number of members regarding keeping this social and economic issues on the table if we change the language under the Technical Committee's ability to convene this subcommittee, to make it directive rather than permissive.

If we indicated that the Technical Committee "would" convene a subcommittee on social and economic issues to review a plan prior to point whatever in the process, that would build in that requirement that there be input from those sectors, but not provide standing members that might attend a lot of meetings where their input wasn't relevant to the agenda.

CHAIRMAN COLVIN: That could be done. Is there discussion on the motion on the table?

MR. AUGUSTINE: Call the question.

CHAIRMAN COLVIN: Bruce.

MR. FREEMAN: I would feel more comfortable with the suggestion that Jill has made. I think it meets everybody's concern. It's not that we want to certainly exclude these people.

The issue is how do we deal with it, and it seems to me it can be dealt with with the fact that we will set up the committee. It also would give flexibility to include more than just, apparently, the three that are there, which I think is very advantageous.

So, I will vote against this motion and I'd also welcome perhaps another motion by Maine as to how we can deal with it as Jill has indicated.

CHAIRMAN COLVIN: Pat.

MR. AUGUSTINE: We would agree with that, Mr. Chairman, and call the question.

CHAIRMAN COLVIN: Is there objection to the question? Is there a need to caucus? Would all in favor, please signify by raising your right hand; all opposed, same sign; abstentions; null votes. The motion does not carry. Senator Goldthwait.

SENATOR GOLDTHWAIT: Thank you, Mr. Chairman. On page 1 of your draft, I would move that in the third from bottom line, we eliminate the words "have the flexibility to" and leave the remainder of that language.

MR. AUGUSTINE: Second the motion.

CHAIRMAN COLVIN: Seconded by Mr. Augustine.

MR. AUGUSTINE: Point of information, Mr. Chairman.

CHAIRMAN COLVIN: Point of information.

MR. AUGUSTINE: Jill, would you change the word "shall" to "may" or "will"? It would seem to me it would be more powerful and it would demand that they -- do you think we have to be that strong with it?

SENATOR GOLDTHWAIT: I would not change it to "may". I would --

MR. AUGUSTINE: Could we make it "will"?

SENATOR GOLDTHWAIT: I don't have any objection. We have ritual legislative language that requires certain words and that fits, but I don't know that there's a difference in intent between "shall" and "will". I have no objections to the change.

CHAIRMAN COLVIN: Discussion on the motion? The motion reads move on the third line relative to the Technical Committee, under composition, to eliminate the words "have the flexibility to" and change "shall" to "will".

Are you ready for the question? Is there a need to caucus? Will all in favor, please signify by raising your right hand; opposed, same sign; abstentions; null votes. The motion carries. Thank you.

We will now roar right along to LCMTs.

MS. SCHICK: The discussion on the LCMTs is similar to what has already been described for the Advisory Panels, again, trying to make the distinction between the role of the Advisory Panel and the role of the Lobster Conservation Management Teams.

The LCMTs are appointed and convened by the Board and the states, and they can make recommendations to the Area Management Programs. The FMP and Addendum I identified goals, objectives and rebuilding schedules, and the LCMTs are to provide recommendations on management measures that will accomplish the goals of the FMP while taking into consideration local fishing practices.

The LCMTs do not make recommendations on coastwide management issues. The meeting arrangements and staff support for the LCMTs is provided by the states. Amendment III identifies the composition of the LCMTs.

There's a minimum number of members in the states that are involved in the selection of those members. And there are no changes in composition from Amendment III. This just restates what's already in place.

There are no changes here. In terms of leadership, each LCMT should elect a chair and vice-chair. The Commission will reimburse the chairs of each LCMT to travel to the Lobster Board meetings.

The chairs that do attend the Lobster Board meeting shall represent the views of the LCMTs, not the views of them as an individual state or associations to which they belong. In addition, a state contact person and technical advisor should be appointed to each LCMT.

CHAIRMAN COLVIN: By and large, what's here does not change anything. It is here primarily for the purpose of further clarifying the roles of the LCMTs and the expectations of LCMT chairs when the Commission reimburses their travel to Board meetings. Is there any discussion on this section? Harry.

MR. MEARS: One question I have, and I think which has been addressed at previous Board meetings I don't believe with resolution, is there an expectation or anticipation on frequency of meetings on an annual basis as a rule of thumb or when it's appropriate for LCMTs to convene a meeting?

MS. SCHICK: The standard practice to this point in time has been at the request of the Management Board. There is not a standard that every year an LCMT will meet. The last couple of years have been particularly active with getting Amendment III on line and Addendum I and now, likely, Addendum II.

But there is no maintenance number of meetings on an annual basis that's designated for the LCMTs. It's as requested by the Management Board.

CHAIRMAN COLVIN: The Commission, itself, does not pay for those meetings and by and large does not support them. The support for the meetings is provided by the agency partners

involved in the management program and clearly by the members themselves who support it with their time.

So, I think more or less, when we're not actively engaged in developing active proposals for implementation under an addendum, it will be up to the LCMTs and the managing agencies to convene them. John Nelson.

MR. NELSON: Thank you, Mr. Chairman. We have in here, and I guess it's under the leadership aspect, where we talk about the state may choose to appoint an LCMT chair or other member to the AP.

I'm just wondering if there's a need to have both groups think about how they would have representation. You know, is there going to be a problem if you have chairs that come from the same states, for example, because of numbers that might be out there?

You might have the AP and the LCMT could have the same chairman. There may be a need to have as much diversity as possible so that you avoid any perceptions out there. So I would throw that out to the LCMTs and the AP to keep that in mind when they're considering membership and chairmanship and vice-chair.

I think that it's important that all points of view be provided and, as Ralph has pointed out, that's what he tries to do and I think that's very important. I think in order to avoid perception problems, we ought to keep what I've suggested in mind, also.

CHAIRMAN COLVIN: We actually talked about that during our deliberations on this section, John, and I think that I'm aware of at least one case and there may well be others where an LCMT co-chair has also been a state's AP member.

It's difficult to preclude that possibility. There are people who, by virtue of their communication skills, their willingness to give us their time and advice, need to be part of the process because they're too valuable to turn away.

What we're trying to do here is to give them some guidelines and some sideboards so that there's an understanding of what role they're serving when they're at different meetings.

The one thing that ends up being touchy and not clearly distinct is when this Commission is in a position to pay the chairman of an LCMT to attend Commission meetings where there are Board meetings going on and AP meetings at the same time, which is happening here today, because theoretically, that person, when they're with the AP, is there as an AP member, but when they're sitting in the audience at the Board meeting, they're there as an LCMT chair.

We're trying to make that clear. Hopefully, we've done so, but we all just need to keep the lines of communication open on that. Bruce, I see your hand up?

MR. FREEMAN: A minor point, Mr. Chairman, relative to the

leadership. It indicates that each LCMT shall elect a chair and vice-chair, and as you know in LCMT 4 they've decided to do a co-chair.

I'm sure, again, if either one wanted to attend, only one could attend; they'd work that out. The wording should be somewhat flexible to indicate that there may not be a vice-chair in some instances.

CHAIRMAN COLVIN: In history, we've paid the travel of both co-chairs when they wanted to go. Pete.

MR. JENSEN: What's the significance of the "minimum number of members"?

CHAIRMAN COLVIN: That's right out of Amendment III.

MR. JENSEN: Yes, but what if you don't have a minimum, what happens?

CHAIRMAN COLVIN: That's a good question.

MR. JENSEN: Nothing, right?

CHAIRMAN COLVIN: Anything further on LCMTs? Then let's move to Plan Review Team.

MS. SCHICK: The Plan Review Team is a group of individuals knowledgeable concerning the scientific facts, stock and fishery conditions and fishery management issues.

The Board will appoint and convene the PRT to conduct the annual plan review and also to make sure that the application of compliance provisions of the FMP and Addendum are being put into place by the states.

The Plan Review Team has been underutilized in the recent past and the membership is set up in this memo, which is a change, which would be the PRT should be composed of a maximum of six persons and members should have expertise in the lobster fishery and be willing to participate.

Over the last month we've gotten some nominations. The nominations are Carl Wilson from the state of Maine, Clair McBane from New Hampshire, Bob Ross from the National Marine Fisheries Service and the FMP Coordinator serves as chair of that committee, so currently those are the members of the Plan Review Team.

There's also a note in here that the Technical Committee chair or other willing Technical Committee representatives should serve on the Plan Review Team. So far, no action has been taken on that item.

CHAIRMAN COLVIN: Senator Goldthwait.

SENATOR GOLDTHWAIT: Thank you, Mr. Chairman. I would move that this Board accept the recommendations in this document as modified in the Advisory Panel and Technical

Committee sections.

CHAIRMAN COLVIN: I know that Pat Augustine will second that motion. Bill Adler.

MR. ADLER: All right, now you're taking everything that was written except where the changes were made?

CHAIRMAN COLVIN: That's the motion before us.

MR. ADLER: So in other words, back on the Advisory Panel, the words "through attrition" remain in place?

CHAIRMAN COLVIN: That is correct. Pat.

MR. AUGUSTINE: Is there a need to have a minimum on the PRT? We say a maximum of six persons. Have we ever had less than, say, three? Is it a concern or should it be in the document?

CHAIRMAN COLVIN: Well, that's a good point, Pat. I'm not sure there's a number indicated in the Charter. I think the problem is we can't compel our members to make staff available.

But, I have had a concern, and it will be a continuing concern of mine, that we have a sufficiently large Plan Review Team to make sure that what the Plan Review Team brings forward is brought forward from a group of people who have deliberated issues and not from the staff.

The most unfair thing we can do to our staff is to put them in the position of having to do all the work that a Plan Review Team has to do and to be bringing forward recommendations that amount to staff recommendations when it's not supposed to be that way.

I do not want that to happen, not in this Board or any other that the Commission does. Also, we have to convince our members to make staff available for this purpose. It's a big job.

Now we've made some headway on this one, I think. Now that we've got to the point where we're landing this responsibility to figure out how we're going to attack Addendum II, I think some other members will step forward and volunteer because of the significance and importance of that task.

MR. AUGUSTINE: Thank you, Mr. Chairman. One final comment, then. Maybe not to address this issue in this particular document, but to look at all PRTs for all fishery management boards, maybe that could be addressed as either a bylaw or another part of our overall management process.

CHAIRMAN COLVIN: Something that we could suggest be put on a "things to do" list for the Policy Board the next time it fine tunes the Charter. We can communicate that. Mark.

MR. GIBSON: Amy just recited that we have currently four members on the PRT?



CHAIRMAN COLVIN: That's correct.

MR. GIBSON: And we have a maximum of six and you just said you suspected some more people would step forward, given the significance of the job they have.

CHAIRMAN COLVIN: I wouldn't be surprised.

MR. GIBSON: That means there's just two people that can step forward right now. Given that I think I heard you say earlier the Plan Review Team's responsibility, or one of them will be to translate the management advice that's in the Peer Review Panel for recommendation to the Board, I would suggest, with all due respect, that this current group of four people and any two members that may step forward will be inadequate to do that given the -- I've tried to go through this management advice quickly, but what they have said essentially is to increase egg production in two areas.

That's the major recommendation that I could come up with. They don't say how much to increase it by, by what means to increase it. I think you're going to have a tiger by the tail in terms of trying to get a translation of that management advice into an operational set of recommendations for Addendum II.

I don't think six people can do that, even if you find two that are supermen.

CHAIRMAN COLVIN: Well, one of them is Amy but, nonetheless, your point is well taken, Mark. Amy, is six a number that's specified in the Charter?

MS. SCHICK: I don't believe it's specified in the Charter. I could go back and look. I don't think it is. It's a general number that I think has been used for other FMPs. If you get too many more than that, the team gets too bulky.

If you have too few, you don't have enough viewpoints so six seems to be a good balancing number. Mark brings up a good point. It's a big task that's being presented to the Plan Review Team.

It's going to be a tough job, but I'm not sure that more members will really help that job because there's a certain critical mass beyond which you have too big of a group to accomplish much.

CHAIRMAN COLVIN: Mark, do you want to make a specific proposal to -- I mean, six could be -- This is a case where if the Charter doesn't dictate it, six could be a target number; and if additional qualified people stepped forward, they could, then, not be excluded, for example.

MR. GIBSON: Yes, I think that's okay if it's not an absolute upper-bound, and there are states with strong interest in participating in this, then, hopefully, there's a way for them to participate.

CHAIRMAN COLVIN: Ernie, did you have a point on that?

MR. BECKWITH: Yes, I just want to follow up with what Mark was saying. I, too, have the same concerns as him. I looked through this stock assessment and have pretty much the same read on it.

And I am concerned. It is a monumental job. And I'm not sure six people -- I don't know if there is a magic number of people, but I know we have to find the right kind of people to do this.

Perhaps, as an idea to toss on the table, we could have this review of the peer review recommendations as a special circumstances, perhaps develop a special ad hoc committee to just look at this and to give the Board advice, and then we can just, subsequent to that, have a standardized PRT for the Lobster Board.

But this is going to be a very, very difficult situation, and I'm very apprehensive about picking four to six people and just saying, "Okay, go at it." I think we have to give it a little more thought than that.

CHAIRMAN COLVIN: I agree. Of course, we do expect the Technical Committee to provide support and guidance to that group, but I would note that if the language were to say that the team shall be composed of approximately six persons, that that would accommodate both these comments that we're hearing now as well as Pat Augustine's earlier comment about a minimum.

Oh, oh, but now I'm going to get told what the rules are by the person who wrote them.

MS. SUSAN SHIPMAN: No, no, you're fine. It's based on specific needs that shall generally be kept, but it's not binding.

CHAIRMAN COLVIN: Okay. So we are on good firm ground here if we want to make a change. Pat.

MR. AUGUSTINE: Thank you, Mr. Chairman. Then, with the consensus of the folks around the table, may we change that word to the word you wanted to put in in place of "maximize".

CHAIRMAN COLVIN: It would require a friendly amendment to the motion that's on the floor. Now, does anybody have the motion back there on the computer? Ernie.

MR. BECKWITH: Yes, Mr. Chairman, I'm sort of at a loss of what we're doing here. I know we've moving to approve this document with the changes made, but we were talking about the composition of the PRT and I'm not sure we resolved that.

Mark and I both had comments. I'm not sure how those comments were addressed, if they were at all.

CHAIRMAN COLVIN: The motion on the floor, originally made by Senator Goldthwait, is to adopt the text of the operating procedures as proposed with the changes reflected in earlier motions at today's meeting.

What has been proposed is an amendment to that motion to add a further change to the membership of the Plan Review Team to substitute the word "approximately" for the words "a maximum of".

MR. BECKWITH: So, that means that Committee can be a floating committee, people can come and go?

CHAIRMAN COLVIN: Yes. Let me read to you the language from the Charter that Susan Shipman pointed out: "The size of the Plan Review Team shall be based on specific need for expertise, but shall generally be kept to a maximum of six persons."

I believe that this amended motion is consistent with that language. Is there further discussion on the motion while we're getting it up? And that last thing, Tina, is in the membership section of the Plan Review Team section.

Further discussion on the motion? Is there a need to caucus? All in favor, please signify by raising your right hand; opposed, same sign; abstentions; null votes. Done. Thank you.

This is a little like going to the dentist (laughter), and I kind of hope that this is the last time, while I'm chairman, that we have to make this particular trip to the dentist, but I appreciate the Board's forbearance at seeing this through. Amy.

MS. SCHICK: Just a point of clarification from the Management Board. I assume that by this action, these changes will take effect immediately and staff will be contacting state directors to get nominations for the Technical Committee and working with the states for revised nominations to the Advisory Panel as Advisory Panel members' terms expire.

CHAIRMAN COLVIN: And members for the -- I guess we have three members for the Subcommittee on Economics and Social Sciences. I assume that they would remain unless there is a desire to change that that is expressed to the staff.

The Stock Assessment Subcommittee will need to be reconfigured, but that is something we need to work with the Technical Committee on and that work will start right away.

The next item is the Plan Review Team report on state compliance. Amy.

## **REPORT ON STATE COMPLIANCE**

MS. SCHICK: The Plan Review Team members were just nominated within the last couple of weeks. The State Compliance Report has been distributed to Plan Review Team members.

However, we have not had a chance to hold a meeting to come forward with recommendations on state compliance. However, we did discuss the Rhode Island issue that came up at the last Lobster Management Board meeting.

American Lobster Management Board, June 6, 2000

There is a tabled motion dealing with the compliance issue in Rhode Island and their non-trap gear provision. The State Compliance Reports will be reviewed at the end of June, and we'll prepare a report for the Board that will be presented in August. And you should receive that report some time in July.

CHAIRMAN COLVIN: Thank you. There is a subsidiary issue on this agenda item. There is a motion that was laid on the table at our April meeting with respect to Rhode Island non-trap limits.

I don't know, is that motion accessible? The Chair will rule that that motion is now back on the table. And, Tina, can you read it? Thank you.

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

CHAIRMAN COLVIN: Thank you, Tina. The Chair recognizes the state of Rhode Island.

MR. GIBSON: I last reported to you on this regulatory change that our Marine Fisheries Council made, and I reported that I was unsure if it had been filed, but it was my understanding that there was an intent to file it.

Since the last time the Board met, our Department Director, who signs all the regulatory action by our Marine Fisheries Council, declined to sign this regulation. So, in fact, it was never rescinded and was never signed by the Department Director nor filed with the Secretary of State.

So, our 100/500 provision has remained in effect throughout this intervening period since I last reported to the Board on this. There is an intention on the part of our Marine Fisheries Council to go ahead with the regulation, the Department Director's signature or lacking signature notwithstanding; and it is the intent of the Council to go ahead and sign the majority of the Council and Council co-chair -- the chairman of the Council is the Director's designee so he will not sign it.

There is an intent for the newly elected Council co-chairman to sign it along with a majority voting in favor if it and file it that way, in that format.

My understanding is that would be done on the ninth, which is Friday of this week, and would become effective -- it would take effect 20 days later by convention which would be the 29th of June.

So, the regulation is still in effect. It has been in effect since the time of the last Board report. However, there is still an intent on the part of our Marine Fisheries Council to get this regulation

rescinded over the objections of the Department, which are now being objected to at the highest levels in the Department.

That's my report at this point. But we still have a valid regulation as of now and will have it at least until June 29th.

CHAIRMAN COLVIN: Thank you. Does anyone have any questions for Mark before we move to discussion? Seeing none, the Chair has a question, and I guess I'll direct it to the Executive Director, and that is that given the report that we've just heard with respect to the current status of implementation and enforcement of the requirement of the FMP in Rhode Island, it would come to question in my mind as to whether this motion would be in order at this time. Jack, can you address that?

EXECUTIVE DIRECTOR DUNNIGAN: I guess I would have the same question that the Chair does. It states a fact that isn't true. I guess we all thought it would be, but for the moment it seems to me Rhode Island is implementing and -- that's correct, Mark, Rhode Island is implementing and enforcing the 100/500 provision?

MR. GIBSON: Yes, that's correct.

EXECUTIVE DIRECTOR DUNNIGAN: Then I think that, as I said, the motion states a fact, an important fact under the law that's not true.

CHAIRMAN COLVIN: George.

MR. LAPOINTE: I believe I was the maker of that motion?

MS. SCHICK: Correct.

MR. LAPOINTE: Thank you. Because of that and because the Plan Review Team has not worked on compliance reports, I think it's appropriate to withdraw the motion at this time, and we can bring the issue up in August should we need to. Hold on, Jack says --

EXECUTIVE DIRECTOR DUNNIGAN: My question would be do you want to simply leave it on the table and postpone it again until the August meeting rather than withdraw it at this time, so that it is still a matter of record?

MR. LAPOINTE: That's a better option, yes. Then do I make a motion that it stay tabled until our August ASMFC meeting week?

CHAIRMAN COLVIN: So moved. Seconded, Mr. Augustine. We have a motion to table this motion until our August Board meeting. All in favor, please signify by raising your right hand; opposed, same sign; abstentions; null votes. The motion carries.

And we are on to item 9, NMFS status report, Harry Mears.

## NMFS STATUS REPORT

MR. HARRY MEARS: Thank you, Mr. Chairman. The National Marine Fisheries Service continues to be in rulemaking, responding to recommendations made by this Commission in follow up to Addendum I to Amendment III of the Interstate Plan.

Once again, these recommendations specifically include: the implementation of measures in federal waters for historical participation in Areas 3, 4, and 5; the modification or clarification of boundaries in Massachusetts state waters; the implementation of federal regulations which would be consistent to New Hampshire's recent approval for conservation equivalency of alternative trap limits in Area 1.

It will also respond to the Commission's recommendations to address the potential for a gauge increase in federal waters to be, once again, consistent with the forthcoming potential addenda or amendments to the Interstate Plan.

It also addresses closed areas as a management tool in Area 4 and also a waiver of lobster gear regulations as they may impact the black sea bass fishery in Area 5. Right now we're shooting for a July street date.

That is our intent. I believe, with that, I'll answer any questions which there may be.

CHAIRMAN COLVIN: Questions for Harry. We have a question from Bonnie.

MS. SPINAZZOLA: Harry, relative to my question earlier, I believe Sustainable Fisheries says that we have to reach F-10 by 2005. I'm curious if any of that has changed, and my curiosity came out of looking at the earlier schedule and seeing that perhaps the first gauge increase through Addendum II may not be until 2002, which would mean that we would all have to speed up our process and take larger gauge increases if we have to be finalized by 2005.

MR. MEARS: I apologize for not responding to that question. I meant to. I believe we need to put this in proper perspective, that the 2005 date is, at least from my perspective as a Board member, part and parcel to Amendment III to the Interstate Plan which identified an eight-year stock rebuilding period which began in the year 1997.

At the time that amendment was being developed, we were reviewing, evaluating the transfer of federal lobster regulations from the Magnuson-Stevens Act to the Atlantic Coastal Act.

We had a timeframe there as well where we had to have implemented a plan to end overfishing of the resource by a date certain. This requirement under the Sustainable Fisheries Act is also accompanied by a requirement of that plan to adopt a stock rebuilding initiative to, in fact, rebuild the resource within a timeframe not to exceed ten years.

There were conditions and caveats associated with that. So, in response to Bonnie's question, I think, is a pertinent one as it pertains to not only where we are with response to Commission

recommendations as a consequence of Addendum I, but also as it pertains to the discussion of the timeline with respect to what our intent may be to accommodate additional management measures through Addendum II and the subsequent recommendations that may be associated with that action for implementation of federal waters.

But I think the point is well taken, Bonnie, that it certainly puts us closer and closer to the point which has been initially identified as the timeframe for rebuilding the American lobster resource.

CHAIRMAN COLVIN: Thank you. Any other questions for Harry? Thank you, Harry. Agenda item 10 is to discuss the Connecticut proposal for transferability of trap tag allocations. Ernie.

## CT REQUEST FOR TRAP TAG TRANSFERABILITY

MR. BECKWITH: Thank you, Mr. Chairman. Our proposal is included in your binder. I hope you've all had the opportunity to take a look at it, but I'll run you through it quickly, anyway.

As I'm sure all of you know that we in Long Island Sound, starting in '98 and certainly through '99, suffered a devastating die-off of lobsters in the Sound, and this has had a tremendous economic impact on our fishermen, in particular the fishermen that fish in Western Long Island Sound.

Many of these fishermen from Norwalk west, which, by the way, includes an area that generally produces about 50 to 60 percent of our entire annual landings, but these fishermen in some of the ports have really seen a dramatic decrease in their landings and also their income.

In some ports, in particular Greenwich and Stamford, they've seen reductions in that '99 --

CHAIRMAN COLVIN: Hold on one second, Ernie. We're picking up some interference in the microphones. Could the folks who are attending the meeting hold down the conversation in the back of the room or perhaps head outside. We need to hear everything and get it recorded. Thank you. I'm sorry, Ernie.

MR. BECKWITH: No problem. Let me pick it up where I left off. I think I was about to say that the fishermen in Greenwich and Stamford have suffered reductions in their income in 1999 in excess of 90 percent and it's really dramatic.

A lot of these people are facing very hard decisions, if they're still in the fishery. A number of these people have already left the fishery. They've sold their boats and gone back to college and taken other jobs and sold their houses and have done all kinds of things like that.

But some of these other fishermen are just trying to hang on in this fishery, and they're hoping that the lobster stock and the lobster fishery is going to come back. So, one of the ways that they have approached us with is to allow transferability of their individual pot allocations.

As you all know, the pot allocations in Area 6 are based on -- it's a history-based system. And the way that we in Connecticut determined an individual fisherman's pot allocation was during the qualification period, which was established in Amendment III, which is January 1, '95 through June 8, '98.

Our fishermen were allocated the higher of either what we calculated from the number of pots they fished during that period from their logbook system or the number that they put on their license application during that period, whichever was higher.

So that was their individual pot allocation. What they're asking

us is to have the ability to transfer a portion or all of that pot allocation to other active fishermen, other active license holders.

And hopefully and quite frankly, what they're looking for is the ability to generate some income through the sale of their pot allocations to tide them over so they can pay their bills, their slip fees and their baits and all the other associated expenses that go along with maintaining a lobster fishery.

As you know, even though that boat doesn't leave the dock, the bills don't stop coming in. So, we agreed to bring this issue and problem to the Atlantic States Marine Fisheries Commission and we did so at the April meeting.

At that time I wasn't here. Eric did carry the water for us at that meeting, but we were asking to have this considered and as quickly as possible. And at that time we were asking that it be considered under the Emergency Provisions that the Commission has.

The decision of the Board was this was not an appropriate way to address this issue because it was not deemed a conservation issue. Therefore, we decided to formalize our proposal and write it up and bring it forth at this meeting.

Our objective is, if you do agree, to have this included in the PID for Amendment IV so we can take it out to public hearing and see how it fares. With that said, that's the background.

Let me run through it very, very quickly. Anyone considering or requesting a pot allocation transfer would have to make application to the Department and get an approval from the Department.

Transfers could only be made between active license holders. A transfer could not be made to anyone who has lost his license. In order to transfer his pot allocation, he would have to have landed lobsters in any of the three years, three of the five years preceding the year of the transfer.

This is a very important point: only actively fished pots could be transferred. And what does that mean? Well, as I said, we had allocated people individual pot allocations either based on what they recorded in their logbooks or what they put on their license application, whichever was higher.

So, there are some people that have pot allocations that exceed the number of pots that they actually fished. And there are several reasons for that and one is some -- well, there's a whole bunch of reasons and I'm not going to get into that.

Let me just cut right to the chase. We have calculated that the number of active pots fished is about 189,000. The number of pots that we have allocated, if you add up all the individual pot allocations, is in excess of 300,000; probably 320,000.

So, there are 100,000 pots that are allocated that we consider to be latent pots. What that means is that they perhaps were never actively fished, but the fishermen now have pot allocations and they have the ability to activate those pots and fish that number

of pots.

So, we are very concerned about activation of latent pots. We don't want the effort to increase in Long Island Sound.

So, what we're proposing is that, as I said, only actively fished pots could be transferred.

Of course, someone could say, "Well, a person will just transfer his actively fished pots, and he may have an additional allocation that he got from putting a number on his license and these are inactive, latent pots and he'll just start fishing his inactive pots" and that's entirely possible.

We don't know to what extent that would happen. But what we were proposing to address the issue of activation of latent pots is that a portion of any transfer would be retired.

For instance, if two individuals agreed on a 1,000 pot transfer, the person that has the pot allocation would transfer 1,000 pots from his allocation to the other person so his allocation would be reduced by 1,000.

But the person receiving the allocation would only be authorized to fish 25 to 30 percent, whatever that number might be, of that allocation so that 25 or 30 percent would be retired from this system. They would be taken out.

We would also cap the maximum number of pots any one individual fisherman could fish in the Sound through transfer to 3,000. So you could get transfers from people and you could add them up, but the most you could ever fish, if you were authorized to fish, would be a maximum of 3,000 traps, which is about 1 percent of the total number of allocated traps we have. And I'll entertain any questions.

CHAIRMAN COLVIN: Pat.

MR. WHITE: Ernie, potentially who's going to buy these traps?

MR. BECKWITH: These will be purchased by people that are already in the fishery.

MR. WHITE: Where? In Long Island Sound?

MR. BECKWITH: Yes, in Area 6. This would apply to residents as well as non -- No, I'm sorry, I take that back. Let me think that through. Each state issues its trap allocations to its fishermen so it would only be residents.

We couldn't issue a trap allocation to someone else, a non-resident.

MR. WHITE: If I may, I'm a little unclear as to what we did before as how it's different than what you're asking for today, because I think the concern of the Board was that a lot of that effort would shift to the eastern part of the Sound.

Is that still what you would foresee as the intention of this? Are those the possible recipients for this transfer?

MR. BECKWITH: I think in the short term that's certainly possible. One other thing that we didn't put in our proposal, which I'll throw out on the table, is we don't have to make this opened.

What we could do is have a transfer period; have it be effective for one or two or three years or something like that. You don't have to permanently put this system in place. So that's another alternative.

CHAIRMAN COLVIN: Bill.

MR. ADLER: Active traps. Ernie, what's an "active trap?"

MR. BECKWITH: An active trap; we determine a person's allocation. We determine what portion is active based on what he recorded in his logbooks, not necessarily what his allocation is.

As I mentioned, a person could have a higher pot allocation than what we determine he fished from his logbook because he put a higher number on his license application. So it's what we calculate he fished during the qualification period from his logbook.

MR. ADLER: So in other words, basically, as the scenario, if I live in Connecticut and this may be coming down the pike, I get all my traps active by fishing them for one month or two months or five months and then now they're considered an active trap and they are in the pool to be transferred, if I so want; that's possible, right?

MR. BECKWITH: Well, the way that it is currently crafted -- and we certainly can address that issue and we have talked about that -- is that the transfer must have reported taking of lobster pots in any three of the five years immediately preceding the year of transfer.

So, that is an issue that we can address to prevent someone from doing that.

MR. ADLER: And this is not possible now under the conservation equivalency or we don't have -- or we do. We do or we don't? New Hampshire did something. You can't do this under existing conservation equivalency things now?

MR. BECKWITH: Well, I don't think so because the issue of -- and this is sort of a gray area; are we talking about transfer of tags or transfer of individual pot allocations -- but the Board made it clear previously that they did not want tags to be transferred amongst fishermen.

We wanted to be absolutely up front with this; and because there was some concern over transferability of tags, that we bring this issue and put it before the Board before we did anything with it.

MR. ADLER: And what you're proposing now is that we put this into the amendment?

MR. BECKWITH: What we're proposing, what we're asking to have done is to have this included in the PID for Amendment IV to be taken out to public hearing. If it lives and dies, that's how it will go based on the public comments.

MR. ADLER: And pretty much the people on the eastern end of the Sound don't have a problem with the prospect of a massive increase in gear that's basically coming from the west, but it was sold to the east and they don't have a problem with this?

MR. BECKWITH: Well, first of all, we don't know that that will happen. And that's one of the reasons for having this included in the PID so we can get those kind of comments.

MR. ADLER: All right, thank you.

CHAIRMAN COLVIN: Bruce.

MR. FREEMAN: Several questions. Ernie answered some of them but I have others. Ernie, under your proposal, if this transfer occurs, is it permanent? It's not reversible? In other words, in future years if the western end of the Sound increases, then people could in the eastern end move back or move pots back or sell them back?

MR. BECKWITH: Well, the way we have it now -- and it's probably because we haven't thought of every possible twist and turn of this -- is that it's openended. It wouldn't be permanent.

If you got a transfer and held it for a while and decided to transfer it to someone else or back to that individual, as it is crafted now it would not prevent that. I personally don't have any issue of limiting this to a one-time transfer and making it permanent.

What we're looking for here, and what the fishermen are looking for is a temporary relief, a stay to get them through a rough period of time.

MR. FREEMAN: What appears to be happening, at least this is indicated to us from our lobstermen, we are seeing fishermen in Western Long Island Sound moving into Area 4; because in addition to fishing the Sound, they have a federal permit; and under the federal license, they could fish.

So, our concern is that they're moving out of the Sound because of the problems that are occurring there into other existing areas and they're not fishing their traps there.

Now if they could sell those traps, it appears we're going to see an increase in effort because now they're already increasing traps in areas they haven't traditionally fished.

If these same people now sell those pots to someone else, there's going to be a windfall. I mean, it's just that they're taking advantage of a difficult situation. Then our concern is, well, what happens if now they continue fishing in Area 4, and then after the Sound recovers move back into that area, just hold those

pots as latent pots and move back?

Effectively, we perceive an increase in effort which is something we're trying to prevent. And I'm just curious if you've given thought or if you're aware of this and how would you deal with this issue where there could -- effectively, if what you're asking for goes forward, we could see an increase in effort.

MR. BECKWITH: Well, there's probably nothing preventing a Connecticut resident who holds a federal permit from fishing in federal waters in Area 4 or in any other Area.

I mean, that can happen now. And this doesn't have any bearing on that situation. A person, in order to fish in Area 4, would do it based on his fishing history in Area 4. He wouldn't carry forth his pot allocation that he got from Area 6 so I don't see how that would be a problem.

MR. FREEMAN: Well, the problem that we have is that our proposal on Area 4 would prevent that, but the existing federal regulation essentially only requires a federal permit, and they could fish up to the allocated number of pots, be it 1,000 or 800.

If, in fact, we get what we hope will be a change in federal regulations to comply with what the LCMT 4 has put in place, those people may be excluded under our rules, which they're not going to be happy about, I can tell you that.

In other words, they're reacting to an economic situation which is very unfortunate. They are moving into an area because right now they can do it. But they may be shut out of that if, in fact, they applied for a license in New Jersey under what we hope will be a change in the federal regulations. It is quite complicated.

MR. BECKWITH: Yes, I guess I don't really understand all the rules in Area 4 or what's coming down the pike in Area 4. But as I understand it today, I don't think it's a problem.

As I said, even though a fishermen acquired a 3,000 trap allocation in Area 6 through transfers, the maximum number of pots he could fish in Area 4 state waters would be based on his history of what he fished in Area 4.

Again, as I've stated, if he has a federal permit, he can fish in Area 4 federal waters now up to whatever the limit is, 800 or --

MR. FREEMAN: Well, I don't want to belabor this, but this is the problem that we have because Area 4 has some historical participation requirements and these people would not meet those -- may not meet those requirements.

MR. BECKWITH: Then they couldn't fish there.

MR. FREEMAN: Right. But they're going into this with the expectation they're going to sell their traps in Western Long Island, move into Area 4 and fish for a year or two and find out they're going to be out.

I mean, as long as they go in understanding that, that's fine. But I don't think they're going in with that understanding.

MR. BECKWITH: Yes, Bruce, just out of curiosity, how did you know this?

MR. FREEMAN: Because they indicated they came from Western Long Island.

MR. BECKWITH: And how many people have talked to you about that?

MR. FREEMAN: Well, I can tell we've had a number of people, but we're hearing from the people fishing in Area 4 of this increased number of new entrants into that area.

Again, this is not an issue that anything is illegal. They can do that now under the federal, as you indicated, under the federal reg. But what would be of concern to me now are those people turning around and now selling their pots and making profit off it. I do have concerns about that, philosophical concerns.

MR. BECKWITH: I'm only aware -- well, only two fishermen have approached me or my staff and questioned us about their ability to fish in Area 4. Perhaps there are more, but from my perspective and my knowledge it doesn't seem to be a large issue at this time. If you have other knowledge that I don't have, I'd be happy to know about it.

CHAIRMAN COLVIN: Pat White.

MR. WHITE: Question, Ernie, if I could. The last time we had this discussion there was great concern about accelerating the effort in the part of the Sound that had an increased disease problem. Is this not as much of a concern or is this just --

MR. BECKWITH: No, it's not a concern because if there are no lobsters to be caught, there isn't any effort and that's exactly what's going on now. There's very, very little effort being executed in the Western Sound.

MR. WHITE: No, I'm saying but taking those traps and transferring them to the eastern part of the Sound that has a serious shell disease problem and accelerating that effort, or is that catching up the lobsters that are bad?

MR. BECKWITH: Well, I could tell you that it would be very difficult for a significant number of lobstermen to move their operations from one area to another area.

MR. WHITE: No, you don't --

MR. BECKWITH: I don't have to tell you about conflict in jurisdictions.

MR. WHITE: You're talking transfer, though. You're saying that you're going to sell them to Lance, sell the allocation to Lance to fish in the eastern part of the Sound, so it isn't the lobstermen that's being moved, but it's the effort of the number of traps.

I just want to know where all these traps are going to go and is that a good thing?

MR. BECKWITH: I couldn't tell you where they're going to go.

CHAIRMAN COLVIN: Jill.

SENATOR GOLDTHWAIT: I don't see a reference in your proposal to the recipient of these transferred traps continuing to be bound to this historic level.

In other words, I think I understand the proposal to be that you had been approved at some point for an historic level of fishing, but under this proposal you'll be allowed to go beyond your historic participation.

MR. BECKWITH: You're authorized number of pots would change, yes.

SENATOR GOLDTHWAIT: So that you are taking potentially latent tags, for whatever reason they're latent, and as with most of us it's a little bit hard to determine how many are latent, and transferring them to people who will then go beyond their historic participation.

So, from two different perspectives, this sounds like an increase in effort to me.

MR. BECKWITH: Well, first of all, it depends on how you look at it. If you look at it fisherman by fisherman, some fishermen can exceed their historic level of effort. But if you look at Sound-wide in theory, it does not increase. It maintains status -- actually, it does not maintain status quo because there is a percentage of traps that will be taken out of the fishery as part of each transfer.

SENATOR GOLDTHWAIT: But in terms of the reality of what's being fished, you've got the recipient who will be able to fish more than their historic participation and the donor who may be donating or selling latent tags.

MR. BECKWITH: He would not sell latent tags. He would sell his active tags and he would fish his latent pots. That's our worse-case scenario.

SENATOR GOLDTHWAIT: But this says that the person doesn't have to be an active fisher at the time of transfer, so somebody could have fished for three years, not fished for two and now sell 3,000 tags.

MR. BECKWITH: Well, yes, he had to fish one of the three years, three of the five years preceding the date of transfer. Yes, you're right.

SENATOR GOLDTHWAIT: One additional question, if I may. In number five it says -- it may be a matter of semantics -- it says the DEP will authorize the recipient to fish only 70 percent of those transferred.



Why isn't it that only 70 percent may be transferred in the first place as opposed to transferring 100 percent and then saying but you can only fish 70 percent of these, or is that your intention?

MR. BECKWITH: Yes, that is our intention. What happens that 100 percent of the transfer gets deducted from the person that's making the transfer. The recipient only fishes 70 percent of the transfer.

SENATOR GOLDTHWAIT: But that deduction of the 30 percent will happen prior to the transfer? Number five indicates they'll all get transferred and then you'll be told you can only fish 70 percent of what you got.

MR. BECKWITH: Well, he will know that up front. I mean, everyone would know the rules of the game.

SENATOR GOLDTHWAIT: Well, it's not knowing the rules that concerns me, it is whether or not this person actually gets possession of 100 percent of the tags and then is told you can only use 70 percent of them which is ---

MR. BECKWITH: No.

SENATOR GOLDTHWAIT: -- what the language indicates is going to happen.

MR. BECKWITH: Then it isn't clear because the recipient only gets 70 percent.

SENATOR GOLDTHWAIT: Okay, thank you.

CHAIRMAN COLVIN: Pat.

MR. AUGUSTINE: Thank you, Mr. Chairman. Jimmy King has been sitting back here. He fishes Eastern Long Island Sound, and I haven't heard anyone else from out there speak to it, and I think he's probably as knowledgeable as anyone so, Jim, if he would be kind enough to give us his take on if this transfer did occur, what kind of an impact do you feel would be out there? You've been in the fishery for, what, 25 years.

MR. JIM KING: Yes, I've got a few questions about it. Despite what you hear, there's a lot of fellows feel there are far too many traps being fished in the Sound.

There was a minority position from the LCMT that we should have had a cap on this historical participation regardless of how many you had fished so you didn't give one fellow 3,000 traps.

A lot of people just feel that's terribly excessive. A couple of questions to Ernie. What is the highest allocation to any fisherman in Connecticut? What was the highest allocation that an individual got originally?

MR. BECKWITH: The highest allocation is 5,000, but that person fishes that across three vessels. Then there is no one between 5,000 and 3,000. There are a few people at 3,000. Then it drops way off after that.

MR. KING: Yet, you made the cap at 3,000 that could be the maximum that anybody could fish and you've already got somebody with 2,000 over that.

MR. BECKWITH: That's correct. That person would be grandfathered in.

MR. KING: What about Area 6A where there was a trap limit imposed? I believe it's 1,000 or it's 1,200 getting ratcheted down to 1,000?

MR. BECKWITH: It's 1,000 this year and in two years it goes to 800.

MR. KING: What was the highest allocation to an individual in Area 6A?

MR. BECKWITH: Well, I'm going to go back in memory. I think it was around 2,000.

MR. KING: Then they could sell off 800 or 1,000 traps and get them out of that area because they can only fish 1,000.

MR. BECKWITH: No, that's not true. They can only fish 1,000 in Area 6A. They can fish the balance outside of 6A and anywhere in 6.

MR. KING: Right. Okay. I would say it would increase the effort. I just think it's going to be a nightmare. It will be a social nightmare for starters because you're going to have -- pigs are just going to get piggier. That's my comment.

MR. AUGUSTINE: Mr. Chairman, just a follow-up question. You started to say you thought it would be a nightmare, but that does infer that it's going to be greatly increased effort and --

MR. KING: I think it will increase the effort, sure.

MR. AUGUSTINE: So "latent" in your mind, latent is not being used --

MR. KING: You know, it's always stuck in my craw -- I might as well say it now -- we passed a moratorium on licenses in both states and the purpose of that legislation was to stop an increase in effort.

Well, the effort has probably tripled since then. It's because there were no limitations put on the active fishermen. They just ran amok and now you're just taking it, "Okay, you fished 3,000? Okay."

I know fellows that have fished for 15 years that didn't happen to fish during the qualifying period, they're out of the business. And it's just not fair. I keep reading through the Magnuson Act "fair and equitable distribution."

I talk to people that say, "Oh, no, it doesn't have to be fair. Life isn't fair." Our own state mandates fair and equitable

distribution. And I just feel that 3,000, 4,000 traps to an individual, 200 to another individual, where's the fairness?

CHAIRMAN COLVIN: Further questions or is there going to be a motion here?

MR. BECKWITH: I would like to make a motion after everyone finishes their questions.

CHAIRMAN COLVIN: I would like to keep this confined to questions at this point in time. Pat.

MR. WHITE: I'm still a little confused, Ernie. And if you could just explain to me, is this different than what we discussed -- I know you weren't here -- at the last Board meeting?

I'm still not clear as how this is a clearer explanation, but the intent doesn't seem to be any different. Am I missing something?

MR. BECKWITH: No it's basically the same plan. We may have added a few more details and clarified some things.

MR. WHITE: Only you're not trying to do it under emergency. You want to do it in an amendment?

MR. BECKWITH: Right.

DR. RICE: I have a question. Are you running on the assumption that if an individual is acquiring more traps, this person will essentially have the same relative soak time for all of these traps or is that soak time going to increase, because that's basically going to have some bearing on effort?

MR. BECKWITH: Well, that's a hard one to answer. Obviously, it depends on the person's ability to fish and how many traps he's currently fishing. He can reach a level where he can't pull them in the same timeframes that he's currently pulling them and the soak times would go up.

CHAIRMAN COLVIN: Gil.

MR. POPE: Ernie, this is strictly between residents in Connecticut?

MR. BECKWITH: Right.

CHAIRMAN COLVIN: John.

MR. JOHN W. CONNELL: Ernie, you indicated this transfer process could take place over possibly a three-year period. If there were two transfers of the same tags, would each time they were transferred, 30 percent be removed?

MR. BECKWITH: Yes.

CHAIRMAN COLVIN: Bruce.

MR. FREEMAN: Ernie, just a clarification. You indicated that this would only pertain to Area 6 Connecticut residents so it

would be confined to Connecticut Long Island Sound; is that correct?

MR. BECKWITH: That's correct.

MR. FREEMAN: And if, in fact, this proposal is adopted or approved, you would then go out to public hearing to get public comment and then that comment may change -- I have no idea what the comments will be -- but as a result of that there may be changes.

Then you'd come back to the Board and seek approval of those changes, or are you seeking approval before those changes are made?

MR. BECKWITH: Well, I'll be perfectly above board with you. This has been a very controversial issue and it's got a lot of pressure right from the top administration in Connecticut.

We currently have regulations that are pending. They've been submitted to our Legislature's Regulation and Review Committee, if Eric did what he was supposed to do today. They were supposed to be submitted today.

Those regulations, in addition to doing a number of other things, pertain to lobster management. They have a provision in there to implement individual pot allocation transfers upon approval of the Atlantic States Marine Fisheries Commission.

We have already taken this out to public hearing. We took our whole round of other lobster measures out and we've gotten comment on them. So upon approval of the Commission, our existing regulations would become effective.

They are not approved yet. Doc is going to take a look at them on the 27th of this month and the Legislature may approve them or they may not approve them.

CHAIRMAN COLVIN: Bill.

SENATOR GEORGE L. GUNTHER: You implied there was pressure being brought to bear on this regulation. It was executive, not legislative. (Laughter)

MR. ADLER: All we're doing here, Ernie, is a request to include it in the ASMFC's process which has to go to its own public hearing; is that correct?

MR. BECKWITH: All I'm asking for or what we're asking for is to have it included in the PID to take it out to public hearing, and the proposal will live and die based on the comments that are received on it at the public hearing. That's all we're asking for.

MR. ADLER: All right, so it still has to come back to the Board for approval, anyway --

MR. BECKWITH: Absolutely.

MR. ADLER: -- at this level?

MR. BECKWITH: Yes.

CHAIRMAN COLVIN: Mark.

MR. GIBSON: To follow up a little bit on Bill's comment and question, if we approve this to be included in Amendment IV, would it be a Connecticut-specific inclusion in Amendment IV or would there be a more generic provision that other jurisdictions/states/management areas could apply to the Commission for approval for a transferrable pot system?

There may be other areas and members of the lobster fishing industry that have an interest in individual transferrable pot allocations.

CHAIRMAN COLVIN: That's up to us. At this point there's no motion on the floor. But the motion that I'm going to entertain from Ernie, I think he's made his intent clear.

MR. BECKWITH: Yes, I would think if the Board does decide to include this in the PID, it is their prerogative how they want to structure it, just as long as it includes Connecticut.

CHAIRMAN COLVIN: Well said, Ernie. Is there any further question? Bruce.

MR. FREEMAN: If this document, this public information document, goes forward, our requirements, I believe, are to have four public hearings in different jurisdictions and not four in Connecticut.

MR. BECKWITH: Absolutely, sure.

MR. FREEMAN: Where did you ---

CHAIRMAN COLVIN: Bruce, can I jump in here?

MR. FREEMAN: Sure.

CHAIRMAN COLVIN: When we have a draft amendment, there is a requirement for public hearings. The amendment will doubtless include something other than what's here, at least I think it will.

We'll get on to Item 12 in a few minutes. But insofar as a PID is concerned, there is no requirement for public hearings.

MR. BECKWITH: But the PID is --

CHAIRMAN COLVIN: But there is not a specific, explicit requirement as to a number or locations. It's up to the states to ask for them. Is there a motion? Ernie.

MR. BECKWITH: Yes, there is a motion. I move to include the Connecticut proposal as submitted for an individual transferrable pot allocation in the Amendment IV PID.

MR. GIBSON: Second.

CHAIRMAN COLVIN: Seconded by Mark Gibson. Discussion on the motion? George.

MR. LAPOINTE: Ernie, it might be in here. I seem to remember that Eric talked about this being a one-time transfer and not an ongoing program.

MR. BECKWITH: I didn't read the notes so I don't know what Eric said.

MR. LAPOINTE: Is my clutch slipping or do other people remember that as well?

MR. BECKWITH: What my motion deals with, what I submitted for the Board today --

MR. LAPOINTE: Right.

MR. BECKWITH: -- that's our motion.

CHAIRMAN COLVIN: I have a vague recollection that Eric was prepared to make that part of his motion if it would convince the Board to approve it as an emergency action.

MR. LAPOINTE: Thank you.

CHAIRMAN COLVIN: But I don't think that that should be binding on this.

MR. BECKWITH: Yes, and I would certainly entertain any friendly amendments to the motion.

CHAIRMAN COLVIN: Jill.

SENATOR GOLDTHWAIT: Well, there isn't really anything friendly about this, I guess. I am very concerned that this will be perceived and is, in fact, a mechanism to increase effort in one area and will simply generate all over again the debate we've been having ever since we began attempting to limit effort.

I don't look forward to that, frankly, nor does it help to strengthen the position of areas that are trying to place those limitations on effort against the objections often of fishermen who are affected by those regulations.

I can understand that. But it certainly doesn't help when there will be a significant sense that a state is going to increase effort and that other states will be attempting in various creative ways to follow suit.

MR. BECKWITH: This is an issue. It's an issue that we find troublesome, also. That's the reason we included in our proposal the 30 percent retirement provision. If the Board thinks that another number, another percentage would make them feel more comfortable, I would entertain a friendly amendment.

CHAIRMAN COLVIN: Is there any discussion at the Board level? Bruce.

MR. FREEMAN: The motion simply indicates that the Amendment IV Public Information Document will include Connecticut's proposal as submitted. The proposal you're submitting, Ernie, is the two-page documentation that we've been sent out for the meeting?

MR. BECKWITH: That's correct.

CHAIRMAN COLVIN: Any other Board comment? Public comment? Dick Allen.

MR. ALLEN: I'd like to suggest that the key issue here is whether those traps are active or latent. If it's tight enough so that those are actually active traps, then I would suggest that this is one of the best proposals you've seen before this group in terms of actually reducing fishing effort.

I'd like to read three of the objectives of the plan. Amendment III says that we would develop "flexible regional programs to control fishing effort and regulate fishing mortality rates."

Objective four says we would "maintain the existing social and cultural features of the industry wherever possible." Five says we would "promote economic efficiency in harvesting and use of the resource."

If these are active traps that would be transferred, consolidation is probably the quickest and least painful way to reduce fishing effort.

I think if we're going to really look at reducing fishing effort in the future, transferability is going to be an essential component of any effective program to reduce fishing effort.

There's a lot of talk that implies that people fishing large strings of gear are putting a lot of effort into the fishery. I've done some calculations based on data from both the state of Massachusetts and what I've collected myself, that if you were to combine two 800-trap allocations, it looks to me like automatically you'd have a 40 percent reduction in the effective fishing effort represented by those traps.

The traps added to big strings of gear have no where near the effective fishing power as traps at the lower end. So, any consolidation that you can encourage, you're really lowering the fishing effort, and you're doing a tremendous benefit to the people who do not consolidate because those traps are not going to catch the lobsters that they would have if they were maintained as separate units of gear.

So I would hope that in terms of looking to the future, if you really want to control fishing effort and regulate fishing mortality rates, that you would leave the door open to consolidation, but also keeping in mind the need to make sure that you're not activating gear that was not active in the fishery.

You need to have it real tight to make sure that this is gear that was actively fished or would be in the future. Thank you.

CHAIRMAN COLVIN: Yes.

MR. JOHN SORLIEN: Thank you, Mr. Chairman. John Sorlien, trap fishermen from Rhode Island and president of the Rhode Island Lobstermen's Association. I agree wholeheartedly with everything that was just proposed to you by Mr. Allen.

The only place that I might diverge just a tiny bit is the need to keep the program tight in the initial allocation is very desirable, but I don't think that we necessarily need to make it absolutely airtight.

What I would like, if I could just take a moment of your time, to point to is the fact that there are transferrable trap certificate programs in place not only in this country but around the world; the spiny lobster fishery in Florida being one of the premier ones in this country.

When they started the certificate program -- I believe it was about six or seven years ago -- they ended up going through an allocation process in which they had to create an appeals process to deal with fishermen coming forward who couldn't make their way through the allocation process as well as some others.

They had to go through a qualifying process, which by necessity ended up putting, I think, a few more trap certificates out for play in the initial round than what might have actually been fished at that historical level at that present time.

What they did in the spiny lobster fishery in Florida was they instituted a program of reductions not quite exactly similar to what Connecticut is proposing, but the end result could possibly be the same.

Essentially, what they did in Florida is go through a series of 10 percent reductions from their initial allocation. I believe that they've gone through, I think, four reductions of 10 percent, and they're going into a fifth this year, so they've essentially reduced their certificates over a five-year period or a six-year period by 41 percent.

One of the interesting things about that is while they've made these reductions, they have not touched their historical landings. Their landings have remained stable.

The end result of that is that the productivity of the remaining traps in the fishery has increased. A couple of the other things -- and I have the spiny lobster fishery trap certificate performance report; I believe this is a year old, maybe two years old.

A couple of the findings, summary of the major findings, one of the findings that they found, or actually a couple of them was that the reductions in the total number of certificates did not respond in a concentration of certificate ownership that can correlate to many U.S. industries.

So, they did not find a great degree of consolidation. One of the other findings was that the ranking of the top five counties in

terms of the number of certificates held did not change.

So, there wasn't a great degree of movement across county lines in certificate holdings and there wasn't a great degree in consolidation. So, what essentially they did in the face of an urging by their legislature to get a hold of their fishery in response to biology problems and conflict problems with other fisheries, recreational being one of the conflicts that they were facing, was they instituted a reduction in certificates which has lead to a higher productivity for the remaining certificates.

I think that these types of programs have a lot of validity for the discussions that we're having here. I would urge this. Oh, I guess one of the problems that I think we all may be suffering from here is that we're dealing with a resource in a particular area which is not maybe as healthy as we'd like to see it and maybe that's a complete understatement.

I think the theoretical discussion here, if it were to surround maybe a somewhat more healthy fishery, I'd be interested to know if that discussion would change at that point.

So I am concerned for the lobster fishermen in the western end of Long Island Sound and my heart goes out to them. I think that a well-formulated and formatted allocation process with transferability could absolutely work for them, and that's sort of where I think I absolutely agree with Dick that it needs to be as tight as you can possibly get it, but I don't think that just throwing this thing out because you don't think it would work or because some people might think that this is just a way for guys to increase effort, we have fisheries around the world that we can look at.

The last point I would make is that the western, I think it's the Western Australian Lobster Fishery is a transferrable trap fishery. They, I think, have gotten the distinction of being the first fishery in the world to achieve sustainability status.

I forget the name of the organization that bestowed that upon them, but -- the Marine Stewardship Council. So, a trap fishery in another part of the world with transferrable trap certificates has achieved something which I think we should all be looking for as a goal. Thank you, Mr. Chairman.

CHAIRMAN COLVIN: Thank you. Jim, we'll conclude public comment and then we'll move back to the Board.

MR. KING: I get a little emotional over this because I've been in this business a long time and it really means a lot to me. I'm not trying to get the point across that I'm against this transferability, but I am familiar with the spiny lobster fishery in Florida.

What they did, they took landings and converted that, the poundage in landings, into the number of traps you were allocated. And they put a cap on the number of traps you could have regardless of how much you landed.

Well, they had a pretty good number to start with. The problem in the Sound is these hugely inflated numbers of traps that we're

working with as an initial allocation; that's the problem. That's where I have a real problem with it. Thank you.

CHAIRMAN COLVIN: Any other public comment? Back to the Board, then. Ernie.

MR. BECKWITH: Yes, Mr. Chairman, I just wanted to correct the motion. Tina, it should read "to allow for transfer of individual pot allocations."

CHAIRMAN COLVIN: Bruce, or was it John that had their hand up? John.

MR. CONNELL: Thank you. Just a procedural question, Gordon. If we pass this motion as is and it goes out to the public hearing, when it comes back, would we be in the position where we could make substantial changes in the motion or would we have to approve what is written?

CHAIRMAN COLVIN: Well, at the conclusion of the public review on the PID, it will be up to the Board to supervise the process of the development of an actual plan amendment.

The terms of the amendment may build on and differ from the specifics that were in the PID consistent with the public comment and the desires of the Board. So, the short answer is it may change.

MR. SORLEAN: Okay, that's important to me. I would certainly would want to get some Technical Committee input in terms of how this might work even better.

CHAIRMAN COLVIN: Yes. Mark.

MR. GIBSON: It still seems to me that a cleaner way to do this is to include an amendment for PID, a generic element which allows for this concept, take public comment on that, have the Management Board structure an Amendment IV which allows to then have states come forward with specific proposals as to how they would avail themselves of that option.

I'm concerned that we're locking ourselves into something that's tailored for Connecticut's needs right now. I guess I just need some assurances that down the road Rhode Island, somehow, if they wanted to, could craft something that works for their industry.

CHAIRMAN COLVIN: Well, I don't know what assurances we can offer. The fact is that we will have to ultimately write Amendment IV and take it out to public hearings. Then after public hearings it may well be changed again before it is brought to the Board and to the Commission for approval.

This is an amendment and it follows that whole process. I would, personally, not see -- I would not think it impossible to modify such a proposal to make it more generally applicable or for that matter to make it more restrictive at the time we write the amendment and take it out to public hearing. Pat.

MR. AUGUSTINE: Thank you, Mr. Chairman. When this goes out to the public, I think the first impression that folks are going to get is only Connecticut has the right or the desire to do this.

I think the question that will come back is why can't the other states, and so it's going to be a write-in. So, why not generalize it now? It is specific and I know it's trying to address a particular issue.

The question will come back and will have to be addressed either in the public information hearings or at a later date. So is there anything we could do to it now or do we prefer to leave it as it is?

CHAIRMAN COLVIN: George.

MR. LAPOINTE: Thank you, Mr. Chairman. Some of us like it specific if we like it at all. The issue of transferability is one that's not popular in the state of Maine for some of the same reasons that Dick has mentioned about preserving the face of our fishery, working on that.

It's not about economic efficiency; it's about working on maintaining the community structure we have so broadening it will not be good. The other, I guess, issue that has come up and I wish Joe was here -- I don't know why he's not -- is the issue of enforceability, Ernie, that the Law Enforcement Committee has brought up again and again saying that transferrable trap tag programs will vastly reduce the enforceability of our trap tag systems.

MR. BECKWITH: This is different. This is not transferring tags. This is transferring a pot allocation. And then ---

MR. LAPOINTE: How does the person verify the allocation?

MR. BECKWITH: And then the person has to purchase the entire new series of tags with the appropriate numbers on them. It isn't trading tags between fishermen.

MR. LAPOINTE: Has the Law Enforcement Committee addressed this or no?

MR. BECKWITH: No.

MR. LAPOINTE: Okay. Thank you for that clarification.

CHAIRMAN COLVIN: Further discussion on the motion?

REPRESENTATIVE ABBOTT: Move the question.

CHAIRMAN COLVIN: Ready for the question? Take a minute to caucus. Are the states ready to vote? Will all in favor, please signify by raising your right hand; opposed, same sign; abstentions; null votes. The motion does not carry.

MR. BECKWITH: What was the count on that?

CHAIRMAN COLVIN: There were three in favor, four against, two abstentions and no null votes. It is dark in here. The Chair would certainly not object to a request for a roll call vote, if so

desired.

MR. BECKWITH: Does that number add up correctly, Amy?

MS. SCHICK: Yes, we've been getting nine votes.

MR. BECKWITH: Okay. Because that's an awfully close vote, if you can assure me that you've gotten it all, Gordon, without any doubt, that's fine. If not, I would probably consider asking for a roll call vote.

CHAIRMAN COLVIN: The Chair can only point out that it's any member's right to request a roll call vote at any time.

MR. BECKWITH: Okay, then I will certainly do that if you don't mind.

CHAIRMAN COLVIN: I don't mind at all under the circumstances.

MS. SCHICK: Maine.

MAINE: No.

MS. SCHICK: New Hampshire.

NEW HAMPSHIRE: No.

MS. SCHICK: Massachusetts.

MASSACHUSETTS: No.

MS. SCHICK: Rhode Island.

RHODE ISLAND: Yes.

MS. SCHICK: Connecticut.

CONNECTICUT: Yes.

MS. SCHICK: New York.

NEW YORK: No.

MS. SCHICK: New Jersey.

NEW JERSEY: Abstain.

MS. SCHICK: Maryland.

MARYLAND: Yes.

MS. SCHICK: North Carolina.

NORTH CAROLINA: (No response)

MS. SCHICK: National Marine Fisheries Service.

NATIONAL MARINE FISHERIES SERVICE: Abstain.

CHAIRMAN COLVIN: That's the same result. Thank you. The next item on the agenda is the Technical Committee report. Now I believe the report at this time primarily focuses on discussions of today's Technical Committee meeting that relate to Amendment IV issues, Carl?

## TECHNICAL COMMITTEE REPORT

MR. LOBUE: That's correct. The Technical Committee met this morning. I thank all the advisors and managers and senators who attended and also those who took time to read the 600-page stock assessment report and attend the peer review.

We had a lengthy discussion on conservation equivalency proposals that have been discussed for the Outer Cape and also for non-trap gear in Rhode Island. Basically, the Committee came up with four points that I'd like to, basically, just read to you.

There are some significant technical obstacles to evaluating the two conservation equivalency proposals; however, the technical difficulties are no greater than the ones face in re-evaluating the LCMT proposals.

Second, the Technical Committee and, I guess, the Plan Review Team will need to re-evaluate the efficacy of the methods used to evaluate the LCMT proposals the last time around.

Particularly at issue is the fact that management areas are not the same as stock areas, and the proposals probably should not be evaluated completely independently of each other.

This may be a problem if proposals dribble in and come in at all different times again. In addition, proposals were evaluated by looking exclusively at egg production. It would be better to get a more complete picture by including estimates of yield and perhaps other information.

We're sometimes hampered by the fact that we can't quantify some of the management measures, but we should be able to quantify yield. The issues of V-notching and non-trap gear restrictions have strong social implications.

In fact, there are probably social reasons that they are in place right now. There will certainly be social consequences to changing them, and these measures should not be changed without first considering the social impacts of such a change.

Lastly, there will likely not be a simple cookbook-type approach that will be used to evaluate conservation equivalency proposals, and they will likely need to be handled on a case-by-case basis so that the interaction between adjacent management measures can be considered.

I'd be happy to entertain any questions.

MR. LAPOINTE: Any questions for Carl? I'm disappointed.

American Lobster Management Board, June 6, 2000

MR. LOBUE: Harry.

MR. LAPOINTE: Harry, excuse me.

MR. MEARS: I don't have a question for Carl. I have a comment I'd like to make on the results so I can wait to make that comment if you'd like to seek questions prior to that.

MR. LAPOINTE: Are there other questions? Is that your Technical Committee report?

MR. LOBUE: That is my Technical Committee report from this morning's meeting.

MR. LAPOINTE: Harry, you're free at this point to make a comment. Nobody else has had their hand up.

MR. MEARS: Thank you. I think it's getting late; that might be one of the reasons. We've heard time and again from the Technical Committee difficulties associated with review of individual area proposals.

Once again, these apprehensions arise concerning conservation equivalency issues as were discussed earlier today during the Technical Committee meeting. This issue is not a new one.

I mean, we've been aware of it as we embarked on area management. It was something we knew we'd have to come to grips with at some point very soon after Amendment III to the Interstate Plan was approved back in 1997.

It was a major issue to be resolved which the National Marine Fisheries Service acknowledged in its draft environmental impact statement.

We're at another crossroads here in terms of not only dealing with what we've just heard about the issues associated with Amendment IV, but also an activity before the PRT where there's a milestone for them to come back to the Board with a report which would outline the next step to go on the basis of what we heard earlier today from the Peer Review.

This is not an issue we can acknowledge and just ignore any longer. I think we need to come to terms with it. It's a disservice to the Plan. It's a disservice to the LCMTs.

We can no longer rationally connect management actions and expect the Technical Committee to come back with the scientific review. I don't know the answer to this dilemma.

One suggestion I would make in this regard would be given where we are with area management, to request a report back to the Board, preferably by the August meeting if, in fact, that's when our next Board meeting is, on what can be and what can't be scientifically evaluated as part of an area management approach and what can we reasonably be expected to be able to monitor in terms of the impacts of management regulations, especially differential management regulations that are

implemented on an area-by-area basis.

So, once again, I'd like to encourage that this Board at this meeting identify some action to look at this issue so that we no longer have to hear reports from the Technical Committee about the difficulty of evaluating proposals which stem from an issue that's been brought to our attention time and time again. It's time not only to acknowledge it but to fix it. Thank you.

MR. LAPOINTE: Board comments on Harry's point. Sir.

MR. AUGUSTINE: Thank you, Mr. Chairman. Would it not be appropriate for the Service to make a motion to that effect?

MR. MEARS: Sure, I'd be open to that. I would like to make a motion that the Technical Committee be requested to provide a report back to the Board -- do we next meet in August -- at its August meeting on the strengths or on the ability to scientifically evaluate area-specific proposals, preferably -- or let me change that -- for example, on a management measure by management measure basis.

I'll make that as a motion and ask for a second and discussion.

MR. LAPOINTE: Pat.

MR. AUGUSTINE: I'll second that.

MR. LAPOINTE: Pat Augustine seconded that. Comments from Board members. It strikes me that --

MR. LOBUE: On the record, I think that's a good idea.

MR. LAPOINTE: The Chair didn't call on the Chair of the Technical Committee, but -- It strikes me in all the discussions we've had about the frugality of our process, is this something that you can do by e-mail and conference calls?

I mean, it's a tall order. And it also strikes me that you can look at this at one of two ways: saying no, we can't evaluate area proposals so we should do away with area management; or, secondly, if you want to have area management, how should we change our assessment process to make that work.

I'm seeing some heads nod one way and another. Harry.

MR. MEARS: I believe what we request from the Technical Committee should reaffirm that we are in area management for American lobster, given that what as managers should we be aware of in terms of what can be scientifically evaluated as alternative management strategies on an area-by-area basis.

MR. LAPOINTE: Other comments from the Board on the motion? Pete Jensen and then Jill Goldthwait.

MR. JENSEN: How is that different from the recommendation we got from the peer review group this morning to evaluate alternative management measures?

MR. MEARS: I think it's quite different. I think the external peer review recommendation was with respect to addressing management needs to move toward whatever reference point or targets are eventually accepted by this group for managing the resource.

The issue before us right now does not depend necessarily only on attaining that objective. It strikes at the very heart of the ability to continue or to maintain a meaningful dialogue between the managers, between the scientists and the industry on what can and can't be done with or without the peer review with regard to achieving management measures for American lobster.

MR. LAPOINTE: Senator Goldthwait.

SENATOR GOLDTHWAIT: Thank you. I think I support Harry's motion. I want to make sure I understand it. The discussion that I heard at the Technical Committee meeting this morning was quite an interesting one, and I think posed pretty well the dilemma that we're getting into as we try to take the next step in area management.

That has to do, and I guess my questions, Harry, is does your motion encompass this? The discussion I heard had to do with when a management measure in an area may dilute the effectiveness of management that's happening in an adjacent area.

And can we measure that? And how much do we know about it? It probably is risky to attribute this to Joe Idoine, but I think very loosely paraphrased he said, if we pretend we know what we're talking about, we're crazy.

To the extent that I believe that to be true, we're getting into such elaborate refinements of all of our proposals, we acknowledge that we're using pretty loose numbers to come up with a lot of these management measures in the first place, and now we're going to try to say if a proposal in one area has an adverse impact on a practice in another area, how can we quantify that and presumably then do we allow that or not.

So, is your motion meant to encompass all of those issues? It is clear enough to the Technical Committee what they are so that we're going to get some helpful information back?

MR. MEARS: I think it certainly could encompass that issue. To me, the more basic issue would be the fact that we've heard that these areas are not autonomous. They're not closed systems.

There was some indication that perhaps Long Island Sound may be a bit different, but certainly when analyses are conducted on the potential impacts and affects the various types of management measures, a lot of times there's uncertainties in terms of what results as a result of the fact that these areas, in fact indeed, are not autonomous.

Certainly, the fact that you have spin-off effects on what you do in one area on another management area, certainly I see connected to that type of issue. So, I don't see the



recommendation which I'm making to be identical to the issue you are, but I see it associated with it.

I certainly see that they're coupled in terms of evaluating or the ability to evaluate area management specific proposals.

SENATOR GOLDTHWAIT: So, is the work product of your motion to the Technical Committee saying that there are inherent problems in area management, which I think is the conclusion that maybe they reached this morning; or, is it saying these measures may be difficult to impose on an area-by-area basis versus a coastwide basis? What exactly will be the product of their review?

MR. MEARS: I'm not sure what their product will be. I just think we need to get off just hearing that this problem exists. I do think that we could, in fact, improve communications and mutual expectations on both sides from the Technical Committee and this Board if there were a clearer communication and understanding of what we can reasonably expect in terms of an analysis from the Technical Committee that would, perhaps, give us better guidance on the type of management measures or the type of analyses that can be conducted.

So, it's hard for me. I don't really have an end product in mind that I think will be offered before us. I just think we need to focus more attention on this particular issue.

Like I said, it's not a new issue. I'd be interested in a response from other Board members what their response to that type of question would be.

CHAIRMAN COLVIN: Mike.

MR. RICE: Harry, I was at the same meeting and I think we were whispering that we were sort of on the same wave length there at one point. Do you think that part of this, of a potential output of this thing might be a list of coastwide or regional expertise that might be brought to bear on a case-by-case basis, almost a sort of a resource booklet on some of these things?

I mean, sometimes we might have a problem of having a big problem that is being addressed with essentially a back-of-the-envelope calculation.

MR. MEARS: I think ultimately, I mean, that would certainly be possible. But once again, what I envision is something perhaps more basic in terms of an opportunity for the Technical Committee to come to us as a Board to bring to our attention the benefits and weaknesses of a lot of the type analysis we request from that group.

I'm looking for nothing really fancy or nothing more than enhanced communications and understanding between the Board and the Technical Committee. It could eventually result in a different way of doing the type of analyses which I think you're suggesting.

CHAIRMAN COLVIN: Well, let's see, I've got everybody from

New Jersey with their hand up. (Laughter) And we're an hour past and we haven't talked about Amendment IV yet. So may I suggest respectfully to the Board that we bring this discussion to a close as quickly as we can and get on to Amendment IV. Bruce.

MR. FREEMAN: I would have to speak against this. I really think it's just giving the Technical Committee an extraordinary amount of work and I don't really see any benefit.

If, in fact, when we get to area-specific proposals, the Technical Committee will be asked to comment. At this point to simply take the next month of Carl's time plus the Committee to come up with a --

CHAIRMAN COLVIN: Oh, it won't be Carl's time.

MR. FREEMAN: Well, it will be a lot of other -- I just don't see a great benefit. I just don't. And I would think there's more productive ways of spending our time. And when it comes up for a vote, I'd simply have to vote against it.

MR. LAPOINTE: My only question was, because we have observed the Board ask the Technical Committee questions, they try to answer them and we say, "Well, that's not really what we meant". Carl, do you understand the assignment that would be embodied in this motion?

MR. LOBUE: Thanks, and I think there's a lot of different views. I think what I understand Harry asking is to come to the Board and at least provide you -- we've done this piecemeal before. We've provided you with analyses and we've said, "Well, here's our analyses, but here's ten caveats that go with that".

And, you know, these numbers might not really be that good. Then the Management Board goes ahead and forgets all the caveats and looks at the numbers. So, I see this as a positive thing if we can provide some sort of documentation to the managers that say, "Look, these things we just can't do. They might be good management measures, but you're going to need to do them and observe the fishery for five years to find out. We just can't project what's going to happen."

So, I see this as a positive thing, if we can provide some of that information to managers in a formal way where you can refer to it so we don't have to keep adding caveats to everything that we do.

I see it as a positive thing. And I also see it as part of what the Plan Review Team is already being asked to do.

CHAIRMAN COLVIN: That's true. John.

MR. CONNELL: In addition to what Bruce said, I'm opposed to this because I think it's going to stifle originality. It's going to work against the concept that we developed with the LCMT because it's going to provide such rigid parameters for them to work that basically they're going to say, "Well, then, why even bother having LCMTs"?

That's the reason why I'm opposed to this specific motion.

CHAIRMAN COLVIN: Pat.

MR. AUGUSTINE: Thank you, Mr. Chairman. I was going to ask Carl, just in your mind how many hours do you think it's going to take to do what you just said would be a good thing to do, just off the top?

MR. LOBUE: Well, I can't do that. But what I can say is that LCMTs, as far as stifling LCMTs, I think they've been stifled more by the fact that we can only evaluate and give what we're calling "egg production credit" to certain management measures.

LCMTs have come forward with some management measures, and this Outer Cape thing is a perfect example where the Outer Cape isn't getting egg production credit for releasing V-notched lobsters, but there's obviously some benefit in it.

But we just can't calculate and put a number on it. So, if we can just come forward with the Board, if you could just stop focusing on that one number on egg production value and maybe step back and look at more of the social and political ramifications.

There are some problems in the fishery that can't be addressed by assigning a specific number to that, and we as the Technical Committee has been trying to express that to the managers. We haven't been that successful because we can't always put a number on it.

MR. AUGUSTINE: Thank you. Having said all that, New York, I think, is going to support it. We haven't talked to our other leader but we're going to support that.

Based on what you said in response, I think it would be a positive tool that you could bring back to the LCMTs. And I think it would prove to be very valuable. Thank you.

CHAIRMAN COLVIN: Jill.

SENATOR GOLDTHWAIT: In response to the now absent Bruce's comments about needing to have a specific example, having watched and listened to the Technical Committee this morning go through two very specific examples and, for the time that I was there, be unable to resolve them because of the interference of these somewhat broader issues, I think this is a step in the right direction.

CHAIRMAN COLVIN: Any other comments?

MR. ADLER: Mr. Chairman, move the question, please.

CHAIRMAN COLVIN: Thank you. Do you need to caucus? It doesn't look like it. All in favor, please signify by raising your right hand; opposed, same sign; abstentions; null votes. The motion carries.

On to Agenda Item 12, review public information document for

Amendment IV, if available, which it isn't, or review issues, which Amy will lead us in a discussion of.

## AMENDMENT 4 PID

MS. SCHICK: As you'll recall from the meeting that we had back in April, the Lobster Board designated Amendment IV as a priority issue.

In reconciling the Amendment IV track with the Addendum II track, the states of Rhode Island and Massachusetts put forward staff support and committed staff support to promoting and advancing Amendment IV issues.

Today we don't have a draft public information document available for the Board to review. The timeframe was very short in getting a document together; however, passing around right now is a memo from Jim Fair presenting the Massachusetts issue of V-notch conservation equivalency.

We can go over the non-trap gear as well. Rhode Island has proposed allowing conservation equivalency for non-trap gear and it would be a general provision that would apply to the entire coast, not just Rhode Island.

So, at this point the only information that we have available is this memo from Jim Fair and this information could be transferred into a public information document fairly simply along with some background information.

But at this point the only information we have is the memo. And I'll turn it over to Jim to present this information.

MR. JAMES J. FAIR, JR.: I hope everyone has had a chance to take a quick look at this. Basically, as I said at the last meeting, the challenge from the federal judge was to come up with a way to use the existing ASMFC process to solve the lawsuit that's before us.

In discussions with the Executive Director, actually in the judge's chambers, the only alternative that we could devise was an addendum to the Plan which allowed the Area LCMT to come up with an alternative plan.

They have done that. They came up with something they feel works better for them and should provide equivalent protection in that particular area. As was made very obvious this morning -- and like it or not we have these areas in the Plan that don't coincide with the stock units and they probably shouldn't be treated as unique, individual areas, but in fact they are.

If we put seven groups of fishermen together in seven different rooms and asked them to come up with plans that work for them, I think it's unrealistic to think that they're all going to be the same.

I think it's a good point in the development of this plan to step back and have the Technical Committee take another look at this whole concept and see if we can make it work better.

Our intention is simply at this point in time to use the existing amendment process to come up with a measure that will provide a settlement for the lawsuit. That probably could be viewed as self-serving, but I don't believe that the Commission looks forward to a long, involved trial on this issue if it can be solved through using the existing process. Would you like me to just go through these?

CHAIRMAN COLVIN: Sure.

MR. FAIR: We have tried to make it more generic than our original proposal which was limited to the Outer Cape Cod area. There was a lot of interest at the last meeting on the part of other states to possibly use the same amendment process.

So, basically, the two options, in terms of a PID, would be to allow conservation equivalency for the V-notch provision where it doesn't exist now or do nothing and make no change.

Those would be the two options that you would take to public hearing. We do, as everyone knows, have in Massachusetts a statute that prevents us from doing this and that, you know, in terms of changing the minimum size in one area at the present time is impossible.

As part of this exercise, we have talked to members of the general court that are willing to champion an amendment to the statute that would allow differential gauge increases in the state.

And this would also solve the problem in Area 2 which we have right now. Rhode Island has a different minimum size than Massachusetts and we can't do anything about that. So the fact that we may kill two birds with one stone is also appealing to us.

CHAIRMAN COLVIN: Thank you, Jim. Just before I open this up for questions, I just want to point out that the Board has already passed a motion that would include incorporation of this concept in the PID for Amendment IV, so we don't have any action to take specifically at this time absent the actual text of a PID to approve, which is going to have to get deferred to our next meeting.

That said, are there questions for Jim at this time? Harry.

MR. MEARS: Yes, Jim, a clarification. What's being proposed here in terms of conservation equivalency, obviously, falls under those provisions of the Interstate Plan, but do you see the involved measures as being specific to the state waters of the Outer Cape Management Area and not impacting upon federal regulations in that Area?

MR. FAIR: Obviously, we have no ability to change the federal regulations. Our regulation would be specific to state waters. However, if this measure is accepted as part of the Outer Cape Cod Plan, then that would in turn create a problem for the federal service as well.

MR. MEARS: Conceivably, yes, in terms of rulemaking. But in the event where the stricter of state or federal regulations would prevail, do you feel comfortable that in the event that this successfully was approved under Amendment IV and was implemented by the state of Massachusetts, do you see action by the federal government as a requirement to maintain the integrity of what's being attempted here, or do you see that being sufficiently served by state action?

MR. FAIR: I haven't thought it out, Harry, but I think it -- for the most part, I think it would be sufficiently served by state action. I mean, we would have a larger size limit in that area that would be enforced in those ports that are located in that area.

Anything coming in from offshore would probably be treated the same way.

CHAIRMAN COLVIN: Any other questions for Jim? Jill.

SENATOR GOLDTHWAIT: I'm losing my grip on the process here. How or when --

CHAIRMAN COLVIN: That's all right. I can understand how any of us could lose our grip on the process at this point.

SENATOR GOLDTHWAIT: I seem to remember some of the discussion about some of the management issues in this area reflecting the fact that they are fishing on a rather larger animal on the average, so what is an increase in the minimum size going to do in an area that fishes on a bigger animal?

Who and when and how will the decision be made as to whether it is equivalent conservation-wise; and also, back to Harry's motion to the Technical Committee, whether the gain in conservation benefit in that area is offset by the loss in conservation benefit in other areas.

I don't want to repeat the whole discussion that happened this morning, but I could if you want me to. Who will decide and when and how?

MR. FAIR: To answer your first question, the preliminary analysis that we've done is based on the existing size structure in that area. We didn't look at any other area. We took the parameters from the Outer Cape Cod area based on our sea sampling, both in terms of the percentage of egg-bearing females and in terms of the length frequency that is in existence in the landings. I'm sorry, what was the other question?

CHAIRMAN COLVIN: The process question is something Amy can address.

SENATOR GOLDTHWAIT: When a benefit in one or a conservation enhancement in one area diminishes a conservation measure in an adjacent area, as far as I know we don't have any provision in this vast system of ours to talk about that.

MR. FAIR: No, basically, what we did was evaluate it exactly the same way all of the other plans were evaluated which is

basically looking at egg production. As Carl said, there are probably other aspects of these proposals that should be examined.

They have no direction to do that. So I think, again, this reevaluation by the Technical Committee is appropriate at this juncture.

SENATOR GOLDTHWAIT: When you're saying, "we" as far as "we" reviewed this and so on, who's "we"?

MR. FAIR: The state of Massachusetts.

CHAIRMAN COLVIN: Any other questions? Pete.

MR. JENSEN: This is not a proposal specific to the state of Massachusetts to that area. This is a --

CHAIRMAN COLVIN: It is not.

MR. JENSEN: -- generic, right?

CHAIRMAN COLVIN: That is correct.

MR. JENSEN: That could be adopted in any area by any --

CHAIRMAN COLVIN: And that is a result of the Board action at the last meeting where we asked Massachusetts to broaden the proposal in that fashion.

MR. JENSEN: Right. So this is a coastwide proposal?

CHAIRMAN COLVIN: That's correct. If there are no other questions, I can ask at this point whether there are any other issues relative to Agenda Item 12 to come forward? Before I do, there's a ground rule I want to state.

The Board has previously approved the development of a PID that identifies to date two issues for inclusion in what would be an Amendment IV. One is conservation equivalency for V-notching, which we've just been discussing; the other is a proposal for conservation equivalency for the non-trap restriction provisions in the Plan.

It's anticipated that additional ideas might be brought forward. Ground rule: this PID and an amendment, assuming we get that far, will be written by a PDT, a Plan Development Team.

Those who bring ideas forward now will be expected by the Chair to deliver the resources necessary to develop those portions of the PID and amendment that are necessary to implement their suggested ideas.

We talked about that at the last meeting, and I just kind of wanted to remind everybody of that at this point in time. We are not in a position where the staff can do this work by themselves.

Given the nature of the amendments that are coming forward, it's appropriate for those who make the suggestions to support them.

Thank you. Mr. Lapointe.

MR. LAPOINTE: Thank you, Mr. Chairman. Because of those ground rules, I had my technical staff come up with -- Amy, has this been handed out? -- I apologize, this was just finished yesterday.

I would like to have two ideas included in the PID. One relates to V-notch. It's on the second page of this proposal. We thought the last time the V-notch was approved at a quarter inch.

It was too big and so the proposal would be to decrease the coastwide V-notch to one-eighth of an inch simply because when you V-notch a lobster and it molts, the V-notch becomes less than a quarter of an inch.

The other issue is for the extension of the five-inch maximum size protection outside of Area 1. I haven't with staff worked out exactly where that would be. 42 degrees has been mentioned but I'm willing to discuss that in the context of the Gulf of Maine.

Do I need a motion to --

CHAIRMAN COLVIN: We would need a motion to go forward at this point.

MR. LAPOINTE: I would move that these two issues be included in the PID for Amendment IV.

CHAIRMAN COLVIN: Is there a second?

MR. AUGUSTINE: Sure, why not.

CHAIRMAN COLVIN: Seconded by Mr. Augustine. Discussion on the motion? John.

MR. NELSON: I realize that anything can be put forth in an amendment and so therefore my comments are probably not timely, but I'll say it anyway since I've been relatively quiet and haven't prolonged this meeting.

CHAIRMAN COLVIN: And the Chair appreciates that.

MR. NELSON: Yes, and I will be brief. You know, extending another measure into the Gulf of Maine means that it goes into another boundary area or another management area. We did have a discussion for this particular one.

The boundary was actually modified based on scientific information that said extending the boundary would protect the five-inch, provide that type of protection. So, that's why it was left where it is.

We had the discussion after that on changing the boundary between Areas 1 and 3 further, and it was not agreed upon. So, I guess, the third time is always the possibility. Is there going to be a fourth time, too, or another opportunity?

I just wonder how many times we need to try to address an issue.

I happen to be picking on this one, but how many times do we have to try to keep doing something that has been adjusted once on scientific basis and then not agreed upon by, let's call it, political and social aspects? So, that's it, Mr. Chairman.

CHAIRMAN COLVIN: Pat.

MR. WHITE: Well, to partially address John's question, I think the situations have changed to some extent because now in having had some scientific review in Canada, they are also initiating a maximum gauge and a V-notch program.

I think it's becoming increasingly important to start to manage the Gulf of Maine as an ecosystem. Whether it happens now or it happens later, I think it's becoming more and more important to do this as a unit in conjunction with neighboring states and Canada.

CHAIRMAN COLVIN: George.

MR. LAPOINTE: My only comment to John is that, in fact, I asked my technical committee staff to put this together because I wanted a scientific justification based on their views. That's why I present it in this manner.

CHAIRMAN COLVIN: Bill.

MR. ADLER: I have to oppose the ideas coming from the great state of Maine, from the greater state of Massachusetts. Because, first of all, I didn't want the V-notch to be basically done away with.

I think that getting the V-notch idea out to the people that did not have the V-notch was a good move. I think that tampering with the definition of the V-notch at this point in time would turn people away from it.

So, I don't think that would be productive. I also have problems with trying to put something into an area that that particular area did not agree to it sort of subverts the idea of the LCMTs where they go, "Well, you guys can talk about it."

This thing says, "Well, you guys can't really talk about it because if we approve this you've got it anyway." It sort of takes it away from those LCMTs, the ability to think of this themselves. So, I don't like these ideas going into Amendment IV, but I'll stop right there.

CHAIRMAN COLVIN: Any other discussion? Harry.

MR. MEARS: Mr. Chairman, I have some of the similar apprehensions as were just voiced. I also see there's a need over the shorter term and longer term to start looking at the wider use of management measures and perhaps what the enforceability and scientific aspects are in terms of achieving management goals.

But in this particular case, we've now taken in excess of three years to get to where we are in terms of implementing not only Amendment III to the Interstate Plan but the corresponding area

management boundaries through both state and federal rulemaking.

We're continuing to make clarifications to make sure that the boundaries we have implemented under federal regulations are consistent with those in the Interstate Plan.

The areas we have right now are very much a result of the collaboration that we've been able to achieve, both between the federal government and the states and, obviously, with the industry and the public.

The LCMT process is integral to what we've taken three years to get to to this point. I'm very uneasy regarding any move that would seem to subvert what we've already taken a number of years, a number of legislative actions, both at the state and federal level to get to, namely, for better or worse, to rely upon where we've come since 1995 when we were with the Council plan.

We're very much now in area management. We have seven specific management areas that we've all agreed to abide by in terms of meeting the management goals of the Interstate Plan.

To start to mess around with the boundaries as it has taken us this long to achieve, I think would be a major mistake and a major job to explain to the public why, once again, we're changing course that it took so long to get to where we are now.

So, once again, I don't want to necessarily comment on the scientific review or basis or justification, but the fact is we are in area management.

We've asked for the faith of the industry to bear with us as we've gone through the tortuous process of amending the Interstate Plan, the state regulations and certainly the tortuous process of federal regulations. To change that now, to me, would be a major step backward.

CHAIRMAN COLVIN: Any other comments from the Board? Bruce Freeman.

MR. FREEMAN: Have we spoken about how Amendment IV and Addendum 2 interface?

CHAIRMAN COLVIN: They don't.

MR. FREEMAN: Can we talk about that? Well, let me ask how the Board Chair sees these two courses? I'm just somewhat confused as to how we believe we need to proceed here.

We talked about Addendum 2. We talked about a schedule early on in the meeting. And now we have Amendment IV. I would like to understand, Gordon, how you perceive these moving. And we're still talking about issues for Amendment IV, I understand, but let's just back up a minute and see how these would operate.

CHAIRMAN COLVIN: First of all, our priority is Addendum 2.

The priority for the use of our staff time, the use of the time of our supporting committees, the financial resources that the Commission is able to provide to this Board should be devoted first and foremost to the successful completion of the implementation of Amendment III through Addendum 2.

To the extent that we are able, above and beyond that, to proceed on a parallel time track within the scope of the resources available to us to go to take a PID out to public hearings, to develop an amendment, to take an amendment out to public hearings and adopt it, we will do so consistent with the actions and the decisions that this Board makes. We discussed that at some length at our last meeting, but it is not our first priority.

MR. FREEMAN: My understanding is also for Amendment IV was essentially the issue of the Outer Cape. Massachusetts indicated they would spend the necessary time to do the analysis so that it wouldn't cause us to deviate from Addendum 2, nor would it take additional staff time.

CHAIRMAN COLVIN: Well, in fairness, there were members of the Board who said at the time that that issue was raised that by taking that action with respect to V-notching, we sort of were letting the genie out of the bottle.

There were other things on the minds of other Board members that were important that they had suppressed. If we were going to go forward with Amendment IV at all, it was going to only be fair and appropriate to give consideration to those theretofore suppressed issues.

That's what we're doing now. Truth be told, I think we would all rather be at the end of Addendum 2 before we started Amendment IV, but other circumstances have impinged on that.

MR. FREEMAN: Well, what's confusing now, we're being asked to look at other issues. And this, obviously, has a great bearing on how we deal with Amendment IV. Then, quite frankly, it's going to have a bearing on what happens to Addendum 2.

It seems like we're moving in a scattered approach here, and I need to see some progress towards a common goal without just getting lost in this maze of new proposals.

CHAIRMAN COLVIN: George.

MR. LAPOINTE: I was one of the ones who said that, in fact, if Amendment IV was approved or the preparation of it, that I would add other issues. I don't think they're at all inconsistent with what we've been doing, Harry, because this plan contains coastwide measures and area measures.

I think that this action is no more inconsistent with Amendment III than the other actions we've taken and that's why I put it forward. These are issues that the state of Maine thought was important before and still thinks are important.

That's why they're included, because this is the first full

amendment that came along after the preparation of Amendment III. Having said that, Mr. Chairman, it's not hard to read the sentiment of the room so I call the question.

CHAIRMAN COLVIN: I would be happy to take the question. However, I know that there are some comments from the public which I would like to admit to the record before we do take the question. David.

MR. SPENCER: David Spencer, Area 3. I'd like to comment on the provision even though it's been withdrawn of the 42-degree line and the five-inch maximum.

There have been discussions recently initiated by Area 3 for conservation reasons and in good faith to try to resolve this issue. By putting it into Amendment IV, I do not consider that good faith. I think it's blackmail and that's all I have to say.

CHAIRMAN COLVIN: Other public comment? Is there objection to taking the question? Time for caucus?

MR. FREEMAN: Gordon, can I ask a question? Relative to our agreement with Massachusetts on Amendment IV for them to do the background, is this essentially background work that Maine - - I mean, is there additional work, George, you're going to do if, in fact, we agree?

MR. LAPOINTE: We don't have a PID yet and, I mean, if this was approved, we would do additional background work on it.

MR. FREEMAN: And your staff would carry out all the necessary biological background to the satisfaction of the Technical Committee?

MR. LAPOINTE: As best we can.

CHAIRMAN COLVIN: Are we ready to vote? I'll ask, could you please read it, Tina, I can't quite read it with the light on.

MS. BERGER: It states, "Motion to include extension of a five-inch oversize gauge for the Gulf of Maine and redefine the definition of V-notch in the Amendment IV PID."

CHAIRMAN COLVIN: All in favor, please signify by raising your right hand; opposed, same sign; abstentions; null votes. The motion does not carry.

Any other Amendment IV ideas? You're really sure, guys? Mark, Gil, who's going to speak to this?

MR. POPE: Go ahead, Mark.

MR. GIBSON: We would like to see an option for the transfer of individual pot allocations in Amendment IV. We're not willing to let it go down the drain under Item 10.

I have a motion to offer to that effect that's more generic than the Connecticut one.

CHAIRMAN COLVIN: Okay.

MR. GIBSON: I would move to include in the Amendment IV PID an option which allows states to transfer individual pot allocations within their jurisdictions as long as overall fishing effort is not increased.

CHAIRMAN COLVIN: Is there a second at this point or do you want to see it again, first?

MR. BECKWITH: I'll second it for discussion.

CHAIRMAN COLVIN: I thought so. Discussion on the motion? Mark or Gil, do you want to address your reasons for making it? I guess you pretty much did, Mark.

MR. GIBSON: Yes. Earlier when Ernie had made the request on behalf of Connecticut, I thought it was a good one in a more generic sense and that that option ought to be available at least for public comment.

There's considerable interest on the part of Rhode Island's lobster industry of exploring possibilities of individual transferances within the industry within the constraints of an overall cap that addresses fishing mortality rate targets. So, we would not like to see that die under the last action.

CHAIRMAN COLVIN: The motion is on the board now. Is there discussion on the motion? Jill.

SENATOR GOLDTHWAIT: There's a question on both this item and the V-notch and mobile gear pieces that apparently have already been approved for Amendment IV.

When they go into the PID, what language will accompany those proposals to establish a context which would be that this is the proposal of a specific state and that that state is the body that has decided that it is equivalent?

Will there be an objective review from some third party that will also accompany the PID regarding those?

CHAIRMAN COLVIN: Amy is going to address that question.

MS. SCHICK: In terms of the conservation equivalency, if it goes through and is approved for Amendment IV, a state would have to submit a proposal for conservation equivalency that would include some technical background and evaluation and information.

Once a state proposal is submitted to the Plan Review Team, the Plan Review Team will get comments from the Technical Committee and advisors or law enforcement, whatever the appropriate bodies would be and then report back to the Management Board on the merits of that conservation equivalency proposal.

Then the Board would have to decide whether or not to accept that conservation equivalency proposal. So there are several levels of review, both technical review and review by the

Management Board for each proposal that's submitted for conservation equivalency.

SENATOR GOLDTHWAIT: And that would all be after the amendment passed?

MS. SCHICK: Correct.

CHAIRMAN COLVIN: Further discussion on the motion? Harry.

MR. MEARS: We're making Amendment IV terribly complicated versus where we started from a couple of meetings ago. I'd just be interested why this could not be better served during the development of Addendum 2.

As I understand it, Addendum 2 will be looking at additional facets of area plans that have not yet been formally acted upon by the Board, namely with respect to egg production, but yet it does not preclude consideration of other measures which area teams would like to see evaluated.

I'd just be interested in why is this motion being made under Amendment IV versus a more holistic approach with looking at it in combination with other management measures through Addendum 2?

CHAIRMAN COLVIN: Amy.

MS. SCHICK: At the last Lobster Board meeting, the issue was raised as to whether or not individual transferable pot allocations could be done under Amendment III. At that time the Board made a consensus statement that they felt any change that would allow this type of transfer was a large enough issue that it should go back out through another amendment process, that this was not appropriate for an addendum process.

That's why it was recommended to Connecticut to bring this forward as an issue for an amendment.

CHAIRMAN COLVIN: Gil.

MR. POPE: Not on this motion, I'm sorry.

CHAIRMAN COLVIN: Thank you. Yes, John.

MR. JOHN SORLIEN: Yes, just quickly, Mr. Chairman, John Sorlien. After scrutinizing Amendment III, I'm not positive that I see anything in Amendment III that precludes this type of action.

So, to say that we have to do this through Amendment IV, to me sends a signal or makes a statement that we can't do it because it's in Amendment III and we have to amend the plan.

I don't see really anything in Amendment III that says transferability of trap allocations is excluded. Transferability of trap tags is specifically earmarked, but not the harvesting capacity of those individual traps.

So, I would agree with Mr. Mears that possibly Addendum 2 or Addendum 3 or wherever we're at would probably be an appropriate place to do that.

CHAIRMAN COLVIN: I think one might be able to derive that interpretation. I do recall, as Amy indicated, that there was a specific discussion of the issue at the last meeting, and one of the things that this kind of turned on was the issue of what is the public's perception as a whole of what the current language in the plan means and that there are in some areas some pretty strong opinions about that as has been attested to here.

On balance, the Board was not comfortable dealing with the issue even of allocation transfer without going through an amendment process and exposing it to the kind of public and Commission review that would result. George.

MR. LAPOINTE: If we're talking about how this is enforced, in the state of Maine you can own more than 800 traps, but you can't fish more than 800 because you only get 800 tags.

So, you could allocate somebody all your traps; and if they aren't allocated tags at the same time, they're going to be fished illegally, so this, in essence, is a trap tag transfer.

CHAIRMAN COLVIN: Yes, it gets into that kind of linguistic difficulty and that's exactly why we felt we needed to go this way. We didn't have to clarify and make no questions.

Is there further discussion on the motion? Time to caucus. All in favor, please signify by raising your right hand; opposed, same sign; abstentions; null votes. The vote is tied; the motion does not carry. Any other Amendment IV ideas?

MR. POPE: Very quickly.

CHAIRMAN COLVIN: You might want to hold them to the next meeting, I don't know. Gil.

MR. POPE: I need some clarification on some previous motions done: Lobster Board, February 22, Providence, Rhode Island, 1999, move that the Lobster Management Board recommend to the ISMFC Policy Board that Amendment 3 be amended to change provision 3.1" and then it has parentheses (mobil gear possession limits) when it's really non-trap?

CHAIRMAN COLVIN: Yes.

MR. POPE: Okay, from mandatory status to discretionary status so that states may develop alternatives more suited to their respective industries; no where in that wording does it say anything about conservation equivalency.

If it needs to be there, let's put it in. So let's change those two things. It says, "Develop alternatives more suited to their respective industries as recommended by the American Lobster Management Board." Motion, Mr. Beckwith. Motion passes by a vote of 8 to 7 votes against, 4 abstentions.

So, I wanted some clarification from the Board while we're sitting here, if we're going to be doing all the work for Amendment IV along with Massachusetts, I want to make sure it's worded correctly.

CHAIRMAN COLVIN: Conservation equivalency is the basis of what the proposal is, based on our most recent Board meeting prior to this one.

MR. POPE: Okay, it doesn't say that.

CHAIRMAN COLVIN: That was February.

MR. POPE: No, even in the second one passed by the Board, it doesn't say that.

CHAIRMAN COLVIN: Amy.

MS. SCHICK: In the motion it says it would allow the state to develop alternative programs. Under section 3.5, I believe, of Amendment 3 is the provisions for alternative state management programs and that is conservation equivalency.

MR. POPE: Alternatives. There's no "programs" in there. I want to make sure we get it right. That's all.

CHAIRMAN COLVIN: This discussion needs to take place on the record of the Board now?

MR. POPE: I've been waiting for a while now, but I guess not.

CHAIRMAN COLVIN: Okay. Item 13, other business. We have an Advisory Panel nomination. Who presents that? Tina or the Commonwealth?

## **OTHER BUSINESS**

MR. FAIR: I can do it, Mr. Chairman.

CHAIRMAN COLVIN: Go ahead, Jim.

MR. FAIR: Very simply, we have proposed replacing one of our Advisory Panel members with Mr. Todd Jesse, an inshore lobsterman from Plymouth, Massachusetts. Our present member, Jeff Thomas, is unable to continue his involvement with the Panel.

Mr. Jesse has traveled to this meeting. He's here with us today, and we'd like to have him participate in the meeting tonight if the Board will accept this nomination.

CHAIRMAN COLVIN: George.

MR. LAPOINTE: I move approval of Mr. Todd Jesse as a lobster advisor from the Commonwealth of Massachusetts.

REPRESENTATIVE ABBOTT: Second.



CHAIRMAN COLVIN: Seconded by Dennis Abbott. The Chair notes that the nomination is consistent with the action taken earlier today by the Board with respect to Advisory Panel membership from the Commonwealth. Is there objection to the motion? Mr. Jesse is approved.

Another item, there is an Advisory Panel meeting starting shortly. Amy, where will that meeting be?

MS. SCHICK: The meeting of the Lobster Advisory Panel will be in the Cumberland and Kennebec Rooms on the second floor starting at 7:00.

CHAIRMAN COLVIN: The gentleman seated to my left, I don't know who he is, but he keeps telling me he's the Chairman of the American Lobster Advisory Panel who would like to have a few words.

MR. MALING: Good evening. I'm sure you'll recognize me by my voice. Maybe my hairstyle has changed somewhat. Well, seriously, this is my last time sitting on this Board, and I want to thank the members for the cooperation and the consideration they've given me over the number of years that I've sat here.

I'd also like to thank the staff, who I think are exceptional people, in the way they handle everything, how they've helped me over the years and just thank you very much, everyone.

MR. LAPOINTE: And thank you, Ralph. (Applause)

CHAIRMAN COLVIN: Thank you, Ralph. Is there any other business to come before this body? Mr. Beckwith. (Laughter)

MR. BECKWITH: Yes, Mr. Chairman, I had an item under, I think it was 12. And you skipped right over, me even though I raised my hand three or four times. No, what I'm going to do, I would like to reserve the opportunity to write up an additional proposal and submit it and have it be considered for Amendment IV in the August meeting.

MR. LAPOINTE: Can you give us a preview? (Laughter)

MR. BECKWITH: It has nothing to do with transferability. It's an issue that involves multiple vessel owners and their individual trap allocation if they fish more than one area and if they also hold a federal permit in one of the vessels.

CHAIRMAN COLVIN: We'll take it up in August. We stand adjourned. Thank you.

(Whereupon, the meeting was adjourned at 6:55 o'clock p.m., June 6, 2000.)

---