

ATLANTIC STATES MARINE FISHERIES COMMISSION  
AMERICAN LOBSTER MANAGEMENT BOARD

September 14, 1999

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The American Lobster Management Board of the Atlantic States Marine Fisheries Commission convened in the Biltmore Hotel, Providence, Rhode Island, Tuesday, September 14, 1999, and was called to order at 2:50 o'clock p.m. by Chairman Ernest E. Beckwith, Jr.

CHAIRMAN ERNEST E. BECKWITH, JR.: The first order of business is Amy is going to call the roll.

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

MS. AMY SCHICK: You have a quorum.

CHAIRMAN BECKWITH: Okay, thank you. You ought to have the copy of the agenda in front of you. Are there any changes or additions to the agenda? Okay, not seeing any, we'll move on to the next item, public comment.

Would anyone like to make a comment at this time? Okay, for those people from the public here today, we will certainly afford an opportunity, should we have any motions, to take comments before we take any votes.

We will move on to Agenda Item Number 4, which is the Trap Tag Contract. As you recall from our last Board meeting, we had charged the Commission staff with looking at the possibility of putting together one central contract for trap tags that states could sign on to, if they so chose. Amy, could you update us on the progress we've met?

MS. SCHICK: Sure. Everyone should have received a copy of the letter that was sent to interested vendors on the Trap Tag Product Specification. And if you don't have a copy, there should be some available above the bar. Dieter passed them around before.

Basically, what I'd like to do today is go over this letter that was sent to the vendors and the trap specifications, and then to solicit comments from Board members, and debate the particulars on whether or not we've hit all the items that are going to be required of the Trap Tag System in this document that we produced; and if there are additional issues that need to be addressed, then we can forward that on to the

vendors and get price estimates based on those things.

Just as a review, in Addendum 1 all lobster traps are going to be required to have a tag, both recreational and commercial fisheries. And, the Board brought this back, as Ernie said just a minute ago, to look into the possibility of securing a common contract that the Commission would work on, so then the states could sign on to and possibly secure a lower cost just by the economy of scale, with all states signing on or some states signing on to some common contract.

And, in that light, what we did is we prepared the product specifications. I must say that much of it came from a combination of the Massachusetts and the Maine Program that's already been established.

And, again, any additional considerations that states may have are welcome to further refine what's been put together so far. Basically, the item is a trap tag, a plastic truck-seal design, is what Maine and Massachusetts use now, and the product specification goes along those same lines.

In terms of quantity, we tried to go through for each state and find out the number of commercial permit holders, the maximum number of trap tags that could be allocated; and then the best estimate of the commercial tags; and also for the recreational tags, looking at the number of recreational permit holders, and the number of tags each recreational license is allowed to fish, to come up with the best estimate of the total number of tags.

What we came up for best estimate was just over 3 million trap tags are a potential number in this program. If those states choose not to participate in the program, that could reduce the numbers down.

Maine's numbers have not been included because they already have a contract with the vendor, and at this time they're satisfied with that approach. So, this is basically the states of New Hampshire through North Carolina, and also the possibility of National Marine Fisheries Service.

They haven't made any decisions on what approach they're going to take. So, these are our best estimates on the number of tags and hoping that this large number of traps would secure a better cost for each state. Description of the tags, there's just then items. Basically, it's the same thing that Maine and Massachusetts are currently using; identifying that 3 tags would need to be printed.

One would be a commercial tag, one would be a recreational tag, and one would be a replacement tag. And it specifies what should be printed on each tag. In terms of distribution and recording; basically, I presented three scenarios; the first scenario

being to follow the Maine program.

The Maine program, as it stands now, the agency takes orders from their fishermen and collect money. The agency then places an order with the vendor, and the vendor ships the tags directly to the fishermen. And, Joe or someone else from Maine can correct me if I'm wrong.

In the State of Massachusetts, they do business a little bit differently. The state provides a list to the vendors that has all their license holders, the number of tags that each license holder can purchase, and I believe it has a permit number mailing address.

Then each fisherman is required to contact the vendor independently, place orders, all money transactions takes place between the fishermen and the vendor, and the vendor then sends the trap tags directly to the fishermen.

I am not sure, I think the quarterly report that goes to the agency, maybe it's monthly, and that's a sheet saying how many tags they've distributed to the fishermen in terms of quantity. And what was presented for distribution was the scenario of Maine's system, how Maine is currently operating; a scenario under what is currently being done in Massachusetts; and then the possibility of having a scenario 3, where under the same contract each state may elect to either use the Maine format or the Massachusetts format in terms of ordering trap tags.

So, you would still have benefit from the economy of scale; however, you could choose whether or not each individual state would want to administer the trap tag system.

One of the issues that was brought up was the security of the plan, and how are we going to insure that the right number of tags are going to the right individuals. The way that the Maine and Massachusetts programs were set up, from what I read in their contracts and in their product specification forms, there wasn't a lot written out on what the security of the plan was or should be.

And so, in this specification that I sent out, it just says that the vendor would be required to supply a security plan to ensure that the number of trap tags going out to a fishermen is controlled.

And, if there are specific security issues that the Board feels should be included in the common contract, we would have to elaborate on those further. This letter and trap tag specification went out to 11 vendors. We got names from the National Marine Fisheries Service, the State of Massachusetts, and the State of Maine on possible vendors. If anyone knows of additional vendors, let us know and we'll make sure that they get

the letter and the specifications. We've asked for a reply from the vendors by September 30th in terms of coming up with bids and cost estimates, and this information can be presented to the Board at our next Board meeting, which we may discuss later on.

I believe we may try to have a meeting in October to review state proposals, so we could bring that information forward at that time. Does anyone have any questions on what's been prepared so far?

CHAIRMAN BECKWITH: Okay, I've got Phil and then Pat.

MR. PHIL COATES: Yes, just a clarification, in the Massachusetts program, the vendor basically is allowed to charge a higher amount for the tag to the fishermen in order for him to build in a security system.

That is built into our system, and basically it's required under the conditions of the contract to guarantee that nobody will get more than their due amount of tags. And, there is a process by which I guess that can be audited and certified and everything else, although I must admit I'm not specifically knowledgeable about it.

CHAIRMAN BECKWITH: Pat.

MR. PATTEN D. WHITE: Well, that was one of the other concerns that I had, that the price be standardized, but also I would urge you, when you're talking with these vendors, to get one that has a pretty good response time, because if it's something that's going to take all month to do, and we're facing what may be down the road here in a couple of days, that could be very serious to a lot of fishermen.

The one that we have in Maine theoretically has a ten-day turnaround time, and that's certainly long enough.

MS. SCHICK: Can I just respond to that?

CHAIRMAN BECKWITH: Sure.

MS. SCHICK: And that is written into this specification under the Maine Scenario, or Scenario 1. It's within seven calendar days that those orders go out, and in Massachusetts I believe it's ten days, or two weeks, just because they're doing all the administration as well.

So, there is some time specification; at least 2 weeks the product should be turned around from order time to receipt.

CHAIRMAN BECKWITH: Okay, Bill.

MR. WILLIAM A. ADLER: When you're discussing things with the vendors, I'm concerned about the strength of this truck seal, because they're getting blown right off with pressure washers. They blow right off the trap. And in New York, I was talking to Long Island Lobstermen yester-day. They boil their traps rather than pressure wash them right on board the boat, and their seals just are -- their trap tag things just break right off, according to them.

So, I know Jim Fair from the Division of Marine Fisheries was discussing this issue with the trap tag manufacturer in trying to resolve this in some way, so that we don't have this breakage of the tags, which come off in some instances, which is going to cause us and law enforcement a nightmare, because there's going to be always legitimate reasons why there's no tags everywhere.

And so, a discussion on that account and maybe if you could contact Jim Fair from the Division, he could enlighten you as to where he is on that matter. But this is one reason why the plastic needs to be taken out of the requirement that we've got here. Just leave it enough open in this addendum so that we can maneuver with a better tag, if it's possible.

CHAIRMAN BECKWITH: I have Ralph from Stoffel Seal here today. Ralph, would you respond to that question? Can you make a tag that's not going to get blown off?

MR. RALPH J. MALLOZZI: I'm Ralph Mallozzi from Stoffel Seals. We manufacture the tags for Maine and Massachusetts now. In regards to the pressure washer, the truck seal should not come off through pressure washing.

One of the problems I know that people had is that the hot foil stamping comes off through pressure washing, and there's nothing that can be done about that as far as the stamp goes. A pressure washer gets paint off a house.

As far as it knocking it off, if you pointed a pressure washer at the seal on the trap for a fair amount of time, it's eventually going to blow it off. If there was something we could do about that, we would, but it's not a widespread problem.

As far as switching it to maybe something metal, you know, we can make those, too, except you go with metal, you run into the problem of rusting. The cost for a stainless steel tag would be even more, and those tags tend to cut people's hands and fingers.

That's why plastic truck seals were invented in the first place. Truckers would cut their hands when they tried to take them off, and that doesn't happen with plastic.

CHAIRMAN BECKWITH: Okay, Joe?

COL. JOE FESSENDEN: I just wanted to defend the plastic secure seal a little bit. Canadians have been using a plastic seal since 1968, and they land a significant amount of lobsters. Actually, probably all the combined states, they probably land more lobsters a year than the whole region.

And they haven't had a significant problem at all with pressure washing, or these plastic seals not holding up. Their seal might be a little heavier than the Stoffel Seal we currently purchase, but they haven't had these issues.

Maine has had a program since 1976, and we have not had a problem with people pressure washing their traps and hot dipping the traps. The Salt Water Hot Dip for cleaning your traps, it's a very common practice in Maine.

A lot of fishermen have hot dip tanks aboard their boats, and it has not been reported to me any problem at all with that. So, I would suggest that unless we can document a lot of these issues, actually document them and get us some numbers and statistics, I wouldn't be concerned right now.

I'm sincere about that because we get a lot of anecdotal stories in Maine about problems, and I'm kind of charged with investigating and looking into them; and when I start actually trying to come up with numbers and places and dates and how many, I'll tell you, the numbers are very, very low.

We're at 3 million tags or more in Maine this year. Hopefully, we're capping out this year in the number of tags we've sold. And in the big picture, as somebody that fields complaints since 1996 --I probably said '76, I'm sorry if I did -- 1996, we have experienced very little or very few issues with these plastic seals, truck seals.

CHAIRMAN BECKWITH: Okay, Bill.

MR. ADLER: I just wanted to say that where these things were broken, and I saw them, was at the narrow point, obviously. And I'm not suggesting metal seals were anything like that. I'm just simply saying that there needs to be enough flexibility that we can adjust the mechanism without getting in trouble with the wording in the rule. That's all.

CHAIRMAN BECKWITH: Joe.

COL. FESSENDEN: Just a quick comment on that. The Canadians, when the seal actually attaches, there's no provision for a breakage point; and if you notice in our seals -- and Ralph can talk about it -- but ours are actually designed so it's so many pounds per pressure.

They'll actually break before the seal will let go. The Canadians don't design their seals

that way, and that's probably a way we could probably take care of that issue, because we actually could make them solid where they clip, and that wouldn't be an issue. So, we probably could resolve that issue using a plastic seal.

CHAIRMAN BECKWITH: I've got a couple of comments for Connecticut. One, by state statute, Connecticut is allowed to charge three cents more than the cost of the tag, and we interpret the cost of the tag as the cost of the purchasing, the administration by the vendor, and shipping.

So, we would want the vendor to collect his cost, plus three cents for us, and then send that three cents back. This is a specification we'd like to see included in the contract.

Also, we would like to see reports on a more frequent basis than quarterly reporting. We really want to know what's going on in the fishery and report accordingly, so I like to see as short a duration as possible. Any other comments on the contract?.

MR. MIKE CONROY: Can I make a comment?

CHAIRMAN BECKWITH: Yes, and please state your name.

MR. CONROY: My name is Mike Conroy. I'm an Area 2 representative for the LCMT. We've tried to get a trap-tagging bill through the state house for the past two years. It's necessary that we have that in Rhode Island if fees are going to be collected.

It's failed both times. If Representative Naughton were here, maybe she could explain why, but how do you propose that this is going to be done by the states if our Legislature won't pass the necessary bill?

MR. MARK GIBSON: Scenario 2, and my comment is that Scenario 2 is essential to Rhode Island. We have got opportunity to simply provide to the vendor the names of eligible fishermen and let them handle the fees. We can do that. We cannot collect any fees ourselves, so it's essential that we have that option. Otherwise, we'll fall out of compliance.

CHAIRMAN BECKWITH: Right. And the Board also directed staff to write a letter - - actually, they directed me to write the letter, didn't they -- write a letter to the State of Rhode Island pointing out to them that if they did not pass some of the legislation, there's a possibility they could be found out of compliance with the plan starting January 1st, and that letter is in draft form. It's currently being reviewed by people in your state agency.

MR. CONROY: I doubt they'll take it very seriously, but it might be good idea.

CHAIRMAN BECKWITH: Gil.

MR. GIL POPE: Phil, I have got one question. How much are those tags in Massachusetts where you add in the security that you talked about, do you know?

MR. COATES: It's only a few cents, Gil. It's not that much. I think the trap tags were originally quoted at around 16 cents. I think it adds three cents or something like that. I just can't remember, 16, including everything. Here is the man that knows.

MR. MALLOZZI: The Massachusetts' tag includes the security program, shipping, everything.

CHAIRMAN BECKWITH: Okay, we'll take Bruce and then we'll get you, Bill.

MR. BRUCE FREEMAN: Thank you, Mr. Chairman. You indicated or Amy indicated that there has been initial contact with the Service, the Fishery Service as to how they would deal with tags, particularly in the EEZ, and you indicated there has been no conclusion as to how that would be done. Is that correct?

MS. SCHICK: I'll defer to the Service on that one.

CHAIRMAN BECKWITH: Are we going to cover that under Agenda Item Number 5? Perhaps, would that be included in that; or, do you want to speak to it now, Harry?

MR. HARRY MEARS: Yes, I had some initial comments I was going to defer until the discussion on state/federal agreements, but I would like to just make the comment on the fact that the figures are our best shot to come up with the best estimate.

The National Marine Fisheries Service earlier had put out its own, what we call an RFI, request for information to potential vendors for a federal trap tag system, and at that time we had estimated a ball park figure of 2.2 million versus \$835,000.

However, that was a maximum estimate, and it should also be noted that in the first vertical column, there's quite likely some double counting. And assuming that was our discussion under the next agenda item, that we're ultimately moving towards a goal of a single tag, regardless of where fished, that these figures at the same time would be minimized because the \$27.85 includes some permit holders who I assume are permitted by state agencies as well to fish in state waters.

So, just with that acknowledgment, this probably is as refined an estimate as we can get, but it probably has a ways to go to being any degree of being an accurate figures.



CHAIRMAN BECKWITH: I would assume that -- well, just let me just state it, and maybe I shouldn't assume it, but, Amy, what's your timeframe for the vendors to respond back?

MS. SCHICK: We've asked the vendors to respond by September 30th to have some information that we can bring to the Board in the October meeting, and then at that point, the Board will have to make a decision if we want to have more refined estimates; or based on the information that we get from the different vendors, that they're prepared to make some decision at that point.

It's going to depend on the type of response and the quantity of responses that the Commission gets by September 30th.

CHAIRMAN BECKWITH: Okay, so I would assume that we would look at the response from the vendor before we make a decision on what way they wanted to go and finalize the specifications at that time, also. Bruce.

MR. FREEMAN: Ernie, a question relative to Scenario 2, where these tags are ordered directly from the vendor, how, Phil, do you deal with the catastrophic occurrence when fishermen may want to get a whole new set of tags?  
Is that through the vendors or the --

MR. COATES: Well, there is a process in the regulation, and we have to make -- in case we have to make a determination, and if there is a catastrophe determined, then all bets are off, depending on the time of the year.  
We could go back through the whole new reissuing process, or we can just say if it's like October, November, and we have a bad storm, and people get wiped out, we'll just waive it for the rest of the year.

MR. FREEMAN: But a fisherman can't make the unilateral decision if for some reason --

MR. COATES: No, he can't have a personal catastrophe. He could probably go before the commissioner with an appeal or something like that, but, I mean, we know that there are many -- I mean, there are many situations out there where there are individuals who get very hard by one particular problem or another; be it people cutting each other off, or whatever; you know, a dragger incident with mobil gear, fixed gear interaction, or other particular, you know, whatever.

MR. FREEMAN: But there's a provision to handle that under your --

MR. COATES: There is in the regulations, yes. I should have brought a copy of the regulations with me. It would have been a little more clear.

CHAIRMAN BECKWITH: Joe.

COL. FESSENDEN: We've had in Maine this year two people apply for catastrophic loss replacement, and these are examples of people that went over 10 percent loss. So, for example, there's a 1,000 tag trap limit this year; they lost more than 100 traps, and actually we handled it very easily. We allowed them to, at cost, replace those tags.

CHAIRMAN BECKWITH: All of them?

COL. FESSENDEN: Yes, and a whole new re-issue. And when they heard that, they understood that, they were fine with it. They had to pay an extra -- it was eight cents a tag times 1000, so I think that -- is that \$80.00 -- they had to pay \$80.00, and they had to retag their traps, but actually it was a good solution to deal with a catastrophic loss where somebody had been cut off, or actually a dragger got one of them for a couple of hundred traps.

And then the other one, actually his traps were cut off, and out of 7,000 fishermen, we have only had two cata-strophic losses. So, to me, the numbers don't -- it's not a really a big issue now.

If a big hurricane goes through, and there's a huge loss, it's like Bill said, all bets are off. I mean, you'd have to suspend your trap tag program and deal with the fishermen. I mean, law enforcement would back off. We're not going be in a situation to bust somebody when they're dealing with a big junk pile of traps.

CHAIRMAN BECKWITH: I've got Bill Adler.

MR. ADLER: I wanted to ask the vendor, given what information is going to be on the tags per the addendum, do you anticipate that the price of the tag is going to stay pretty much right where it is?

MR. MALLOZZI: Yes, this program that's put forth here and the different scenarios create a lot of difference. The State of Maine pays a lower price than the State of Massachusetts for the simple fact that we can go administration.

So, what's printed on the tag, that's not really a problem. If one state has their information, and another state has different information, that's interchangeable.

MR. ADLER: Well, I mean, because this plan does have a few things to be added to the tag.

MR. MALLOZZI: Yes, there's certain limitations as to what can be added, just for the

simple size of the tag, but, no, that wouldn't add any -- that wouldn't be a factor in the price going up or down, putting on an extra number, an extra digit, an extra allocation as to what zone you can fish in. That won't really have anything to do with it.

MR. ADLER: So, it's a pretty good chance that whatever the price is right now -- I know in Massachusetts it will stay at that rate, it won't go up?

MR. MALLOZZI: Oh, no. Massachusetts, in fact, when their prices were given in last year's contract and in this year's contract, which is pretty much settled, except for if something happens with all the states going together -- or in Maine, that was based on 500,000, and they've used a bit more than that.

If it was a joint effort together with absolutely -- I'm saying for me, I can't speak for other vendors. I could tell you assuredly it would not be more than that 16 cents.

MR. ADLER: It might go down, right?

MR. MALLOZZI: Oh, yes. I mean, that's the point of it, and, yes.

MR. ADLER: Okay, thank you.

CHAIRMAN BECKWITH: Phil, did you have a comment?

MR. COATES: Yes, just a couple of additional points. We also issue tags for three other fisheries; the Sea Bass, Scup, and Conch Fishery, and we're also, of course, going to move into the tagging of recreational gear, which is going to pose a different kind of problem.

How do you distribute 10 tags, or whatever, to 12,000 additional fishermen, because that's how many -- well, half of those are divers, but, we have got to do some sorting with that.

And, one other observation, we did have one catastrophe that I do recall. Some gentleman, I think forgot to put tags on half his traps, and we took care of that catastrophe very nicely. He's not due to fish for two key weeks next year; I think the opening and the closing of the season.

CHAIRMAN BECKWITH: Amy.

MS. SCHICK: I just wanted to respond to Phil's comments. In the letter that I sent out under this product specification, it was stated that the cost of a recreational tag could be more, based on the fact that you're only sending out 10 tags, the mailing cost associated with mailing 10 tags versus 800 tags.

So, the cost or the price of recreational tags may be slightly higher to account for the mailing cost of such a small number of tags. Again, that's how it's outlined in this; and if that should be different, then we would have to make that change.

CHAIRMAN BECKWITH: Ralph.

MR. RALPH MALING: Yes, I'd like to ask Ralph a question. On your tags, on these statements, Maine doesn't have a problem with the numbers being blown off and yet the fishermen in Massachusetts have. Is this tag that you're selling to the State of Massachusetts's fishermen exactly, without any variations, the same as Maine's?

MR. MALLOZZI: Yes. I didn't say that the numbers don't get blown off. I said that to stop the numbers from coming off with a power washer is impossible as far as a hot foil stamp goes.

MR. MALING: But, I heard Joe Fessenden say that's not a problem in Maine.

COL. FESSENDEN: I can clarify that; there's an easy explanation for it. The tag number is embossed. The tag number embossed in the tag, and you can still see the number. Even though partially the white had been knocked off the tag or the blacker color, it's embossed.

It's raised so you can actually still make out the number as an enforcement officer. That's why it's not an issue in Maine. That's why you can't counterfeit. That's why it's more difficult to counterfeit these tags because of the embossing and the fact that Stoffel has their patent numbers on the tag itself, where if somebody is trying to counterfeit these tags as part of the counterfeiting process. Stoffel does not sell tags unless there's something on the tag, embossed on the tag. Is that correct, Ralph?

MR. MALLOZZI: That's right, no one ever gets a tag without the number or a name, or some designation of where the tag is going. There's never a tag that just has a number or just has a name. There's always something on the tag in both areas.

COL. FESSENDEN: And if that is altered, obliterated, rubbed out, that is an untagged trap for the purposes of law enforcement. If that tag has been -- that embossment has been chaffed off, sandpapered off, or whatever, if it's been altered, then that's an illegal tag. It's considered an untagged trap, and that's why we haven't had an issue with enforcement for that particular situation.

CHAIRMAN BECKWITH: But to answer Ralph's question, the tags are both embossed?

MR. MALLOZZI: Exactly the same. The numbers are hot- foiled stamps, but when that stamp hits the plastic truck seal, it actually pushes into the plastic. But if you were to take a power washer, a fingernail, anything, and scratch it off, it would still be the impression into the plastic of the seal.

And Maine and Massachusetts get precisely the same seal, and that is to keep the seal from deteriorating in the salt water.

CHAIRMAN BECKWITH: So, the term hot foil is just to put it into the embossment?

MR. MALLOZZI: Hot foil is, if you were to take a piece of paper and lay it over a piece of plastic and press a stamp down on it, if the foil is white, it reverses the impression into the plastic seal; or, I should say, onto the plastic seal.

When that stamp comes down and puts the ink onto the seal, it also presses into the seal the numbers being hot-foiled stamped. So, if you took it off, you'd still be able to -- if you, say, took a piece of paper after the foil had been brushed away and scratched over it, you'd still see the numbers.

CHAIRMAN BECKWITH: Okay, any other comments. Gordon.

MR. GORDON C. COLVIN: I just wanted to try to get a -- you know, like many of you, we're in the process of putting our regulations together -- to ask if staff could acquire a copy of the regulations in place in Maine and Massachusetts, and distribute them to the rest of the states?

MS. SCHICK: No problem.

MR. COLVIN: I would appreciate that, thank you.

CHAIRMAN BECKWITH: Okay, any other questions or comments on the tags or specifications? Joe?

COL. FESSENDEN: I just wanted to make a comment -- and I don't want the Board to take this the wrong way, but I'll say that up front. You know, we've been criticized for how you enforce the trap tag limit by a lot of people, and I've been here defending this over and over again, and I just want to reiterate the fact that if the industry, the Maine lobstermen industry does not want a trap tag program, it won't be successful and it won't work.

So, at this point right now, I'm still banking on the fact that our fishermen, the majority of lobstermen in Maine, want a trap tag program, and they want to use trap limits as a

conservation tool in the future.

I think they're committed to it, and certainly by the number of complaints and concerns and questions I get as Chief of the Marine Patrol, that kind of bears that out.

But, I do want to say that we conducted a major enforcement action here a month or so, and we seized almost 1,200 lobster traps from one fisherman that was alleged, we charged him with fishing illegal.

Now I'm not bragging about that, but I'm just saying that we did conduct an enforcement action this summer, about a month ago, and seized 1,200 lobster traps in one day. In about 4 or 5 hours' time, we seized that many lobster traps, and we got an enforcement action up against that fisherman.

And I can tell you that that action that we took, the Maine Marine Patrol took certainly got the attention of the Maine lobster fishermen, because those traps are on the bank, and they've been forfeited, and actually confiscated, and they're being held as evidence in a liable process.

That case hasn't been adjudicated, and I want you to take it the right way. I'm not bragging, but I'm just saying this law needs to be enforced. That's why I bring this point forward. If you don't have a trap tag program that you cannot enforce, I'm not sure it won't add any conservation benefits to your lobster management and the whole program. So, I just throw that out on the table for you. I'm proud of what we did, what the officers did. They did a good job at it, but it's a very difficult process.

CHAIRMAN: Bill.

MR. ADLER: I don't know if it's at this time, although it has to do with trap tags, so that's why I'm bringing this up. I would like to have the Enforcement Committee, at some point, have a meeting with the Lobster Advisory Panel to discuss a couple of glitches that are surfacing.

There are just two glitches that need to be resolved, and I think the best way to resolve them is between the law enforcement people, and the Lobster Advisory Panel. It has to do with the transferability of the tags, and it has to do with three words in the Addendum 1, that says that the lobster trap tags can be purchased, or can be obtained somewhere between January and June of each year, but --however that wording is fine -- but then it says that these tags do not become valid until June.

And, the incident that was brought up to us was that people set brand, spanking new gears that wasn't in effect the year before or wasn't even in existence. And, they set in the spring, and they put their new tags that they went and purchased, and they put their new tags on their traps when then set them in

April 2, and you'll be arrested, because that new tag for that year was purchased during the period, but it doesn't become valid until June 1st, so he can't set his gear in the spring.

And, he doesn't have any old tags because they're on the old traps that he junked, that he can't transfer the tags to the new trap, temporarily, et cetera, et cetera. And the thing is so nobody can set any new gear until June 1st, and that's not going to fly.

So, the idea is it's little glitch that needs to be worked out somehow. It has to do with three words in our addendum that says "not valid until". So, I think that to settle that, I think it would be good if the law enforcement people could sit down with the lobstermen and discuss this issue, and maybe they can work out something, because they both have good reasons why they have what they have, and there needs to be some way of settling it.

So, I would strongly urge that that meeting take place because this is going to become a glitch, and it can be worked out, I think, I hope.

CHAIRMAN BECKWITH: Bill, we may have a solution for that already. I don't know whether it would be a problem the first year, but the plan does allow a one-for-one replacement. You can take and cut a tag off a trap that is no longer useable to you, and bring it in, and the agency will issue you a one-for-one replacement.

MR. ADLER: That certainly could be offered to see if that would work logistically with the lobstermen. That's certainly a possibility. But in reality I think it would be a good thing to discuss with the lobstermen, looking that situation over, and seeing if that's a doable thing, or is that going to create a nightmare for whoever you're turning it into?

I can just see the extra help you're going to need and the next building you're going to need also to handle that. But, that would be something that I would like this Board to say, "Please, have that meeting and discuss that make that discussion", and that's where I would like to leave it.

CHAIRMAN BECKWITH: I think the first issue you brought up is a significant issue that probably warrants revisit. And, we'll talk with staff and see about the possibility of getting a meeting set up.

MR. ADLER: Yes, because I think both sides have a good reason. I mean, law enforcement has a very good reason for why they propose it a certain way, and the fishermen have a good reason, too. And so, I'd like to see the two of them go into a room, and we'll sit outside and wait until they're finished.

CHAIRMAN BECKWITH: Okay, any other comments on the trap tag system, on the

specifications and the process being laid out? Okay, no other comments, we'll go on to the next agenda item, which is state/federal agreements, and what kind of progress have you made so far?

MS. SCHICK: Actually, I'm going to turn it over to Harry Mears, but I'll give a little background. Coming out of the last Board meeting and the approval of Addendum 1, there are several outstanding issues that need to be clarified and settled on, and those all concern state/ federal implementations of Addendum 1.

And the two major issues that have been brought up as possible issues for a Memorandum of Understanding are; one, the Historical Participation Evaluation System.

So, if the state is evaluating the history of a particular fisherman, or the Service is evaluating the history, is there a way that one can recognize the work of the other, or does that have to be a double evaluation by both the State and the Service?

The second issue -- and they're related -- but the second issue deals with the annual distribution of trap tags. In state waters if someone is allowed 800 traps and in federal waters they're allowed 800 traps, there must be some type of coordination in the distribution of trap tags.

Otherwise, an individual could end up with 1,600 trap tags, 800 from a state, and 800 from the National Marine Fisheries Service. So to some extent there has to be coordination, and I think those people involved would agree that a single tag for each trap is the most desirable option.

But, we need to work out the situation as to how that can happen between the states and the service. And so, at this time, I'd like to turn it over to Harry and ask him to elaborate on some of possibilities for state/federal agreements.

MR. MEARS: Thank you. I think, Amy, the reason you're referring this to me is because we discussed it right before the meeting. One of the exercises we're currently involved in, which I notice is the August 18th memo from the Chairman, which concerned data or fact-finding collection from each of the states that's due by October 1, concerning questions that are very relevant to not only the trap tag system and historical participation for certain areas, but what are also directly relevant to what would be covered in the state/federal MOU, and how that would be accomplished.

We have oftentimes now, through the last three years, talked about the importance of a unified management approach throughout the range of the resource on an area- by-area basis; and, have somehow vaguely agreed that this will, at some time, require interstate and state/federal MOU's on how such elements as the trap tag system and review of



historical participation considerations would be accommodated.

I think what we've given inadequate attention to so far to date has been what is our unified goal? What do we wish to accomplish from a state/federal MOU on trap tag programs; on historical participation? Are we talking about two different MOU's? Are we talking about different elements of a single agreement?

What is it that state agencies are looking for? What does this mean bureaucratically within their own organizations? What does it mean to the National Marine Fisheries Service? How formal does it have to be? How informal can it be? What type of clearance, how long does it take?

Given that, I've done some additional thinking, because I knew this issue was going to come very quickly as a result of our rulemaking under the Atlantic Coastal Act. And as a strawman, I would propose that one of the goals we're, in fact, moving towards, that we had never really fully definitively identified for a trap tag program, is to have a situation where we have indeed a single tag that would be recognized within the current legal regulatory limitations for both state and federal waters.

In other words, we would want to minimize the confusion and the burden upon the respective industry groups for each of the management areas. Conceptually, as a strawman again, one possible way to do this -- and perhaps there's a lot of naive assumptions here -- is that there could eventually be a state/federal agreement that could involve the National Marine Fisheries Service, obviously permit-ting its own federal permit holders and advising them of the procedures to be used in securing trap allocations.

This would probably be done during the time of permit renewal. A list of individual permit holders would be sent to a vendor; the permit holder would be given the name and address and cost and procedures to obtain those tags.

What I would also propose, as part of the strawman, is that states would recognize this tag, each of which would have an EEZ endorsement, because it's being submitted to the National Marine Fisheries Service Federal permit holders.

They would recognize those tags in federal and in state waters. Now, similarly, again as part of the strawman, states would continue, obviously, to license their own license holders in state waters and give instructions to those who fish only in state waters.

They would be told that the individual trap allocations of such a list would be provided to the vendor, and each of the state agencies would be given, under terms of the MOU, a list of its own residents that these instructions have already been given, who are also

federal permit holders.

Now, to me, this would kind of accommodate, perhaps, some of the concerns Amy was referring to on possible ways to prevent situations where we would be double allocating trap limits. And, it seems to me that this type of scenario, or a variation thereof, is what needs to be considered under the provisions of a state/federal MOU.

At the same time, there's some initial problems, not problems, situations, potential problems that have to be recognized and dealt with in terms of are they a real problem, or not? And if they are, how can they be resolved?

We're talking about state/federal MOU's for a trap tag program. We're talking about the issue of some jurisdictions licensing the vessel owner, others licensing individuals. We're talking about differences in cost of tags.

We're talking about tag loss allowances. There currently is no consistency between states, or with the National Marine Fisheries Service on what this specific allowance is. Is this a problem? Is it not a problem?

There's a request, for example, from the State of New Hampshire for conservation equivalency consideration. That needs to be incorporated into this review process. There's some jurisdictions, as I understand it -- I may be wrong -- in Maine that might have more restrictive limits for state permit holders in certain zones concerning trap limits regardless of where they fish.

That needs to be considered, evaluated and identified, whether it's a problem or not; and if it's a problem, how to resolve it. So, once again, I think a list of current issues need to be identified. They need to be commented upon, how to resolve them, and then the ultimate goal of the trap tag MOU's from a state/federal perspective, I would recommend needs to be brought before this Board.

I would think one way to do this, perhaps, Mr. Chairman, would be through a motion to establish a subcommittee of this Board, in fact, to identify such issues, and to summarize what the vision of the state/federal MOU is, and to bring it before discussion at the next Lobster Board meeting.

Without spending a lot of time on historical participation under Addendum 1, historical participation was approved for Areas 3, 4, 5 and 6. Now, Areas 3, 4, and 5 involve federal waters. Part of the MOU, I would speculate, would strive to move toward consistency on how historical participation is evaluated, how decisions are made, how appeal procedures are handled.

And similarly, it would seem to me that this would want to be incorporated into the MOU as well. In terms of existing MOU's, the formal ones I'm aware of -- I'm sure

there's several -- but with regard to the fisheries, we have modeled MOU's for confidential collection of fishery statistics under the old NEPA's Program, that's now part of the ACCSP purview, and we also have law enforcement agreements

Whether these are models we want to follow or not follow needs to be determined for discussion, and I would offer a discussion very soon in order for us to move forward in this unified state/federal approach with regard to trap tag management and also with regard to historical participation.

CHAIRMAN BECKWITH: Yes, I've got a few comments, Harry. First of all, I think getting the MOU, at least the initial part of identifying the issues, and then moving forth to getting the MOU at least drafted is absolutely time critical.

A lot of states, Connecticut included, even though we only have one or two fishermen that might be issued federal tags, but we and the other states have to put in our regulations how we're going to do the allocations, how many traps some would get, and also how the person obtains that tag.

And, we're all striving to get it into place by January 1st, which leaves us very little time to do that. That means we have to make progress on this MOU almost immediately. We need to start working and get this group together, the subcommittee, get it together and meet maybe even next week, if possible, if not the week after. We've really got to make progress right away on this.

Yes, Pat.

MR. PAT AUGUSTINE: Thank you, Mr. Chairman. In response to what Harry is telling us relative to the development of this MOU, it appears that we're so far into the process right now of the design and the hours that have to go into this trap tag for each of the states that are involved, in addition to the fact that a couple of the states have already implemented that, would it be possible to include the federal tag number or federal license number for this first go around until this MOU is developed, in conjunction with the National Marine Fisheries Service in order to -- possibly for the following year or some time, in order to take the time to do this correctly, so we are consistent within both the state and federal.

In other words, somewhere on that tag, identify federal license number for those folks who have been issued that federal license. And that number goes on these tags, and so the fishermen, or the lobstermen, as the case may be, can use, if he has a federal permit, X number of pots, that are going to be used in federal waters, so numbers will be tracked accordingly; likewise for state reporting, whoever the state agency is that gets the report, may very well then be called upon them to report to the National Marine Fisheries Service to do a report on -- whereas the state gets certain of that information,

and the federal gets the other information.

If we're going to speed up the process and put this thing in place, as you indicated, Ernie, what are we talking about January, and from what Harry outlined, it sounds like it's rather a impressive undertaking that we have to put in place within the next month and a half, or two. So, I'd like someone to respond to that, if it makes sense to respond to it. Otherwise, the information --

CHAIRMAN BECKWITH: Well, I'm going to ask the second question I was going to ask Harry, which I forgot when you raised your hand. I was talking about this process being time critical, and, Harry, what relationship does the MOU, finalizing MOU's have with you issuing a final ruling? Does one have to wait for the other?

MR. MEARS: My answer to that -- it's a difficult question. My answer to that is, no, that the proposed rule of DEIS generically referred to the potential for state/federal MOU's. The final environmental impact statement indeed suggested that quite likely there may be an interim period where we have duplication and chaos.

Prior to the time that the individual states together, and then collectively with the National Marine Fisheries Service, can come to an agreement on the timing and logistics on the trap tag program, what you identified, Mr. Chairman, as being of importance to Connecticut is the equally as important to the National Marine Fisheries Service, particularly, with respect to elements of an MOU that may involve historical participation in Areas 4, 5, and 3.

As everyone might be aware, we have recently issued an advanced notice a proposed rulemaking that begins to set the stage to accommodate the recent recommendations of the Commission with regard to Addendum one and historical participation in federal waters.

Of extreme sensitivity during this entire process, certainly from a legal perspective, will be equity issues, that there's fairness and equity given to all federal permit holders regardless of the state of residence. This will be a key issue in our evaluation of the proposed measures.

The trap tag program itself is identified as a requirement which is very time sensitive. I would urge that we do get together as soon as possible to discuss the MOU approach, but knowing what I know now about federal regulatory bureaucracies and the time it takes -- one of which if indeed this is an MOU, this requires clearance by the Department of Commerce Legal Counsel, as an example.

I mean, that certainly is a concern to me. I mean, what type of vehicle are we talking about in terms of the type of issues that need to be cleared from a regulatory

perspective? So, my answer would be, no, it does not impact the final rule, but it certainly impacts where we're heading in terms of one resource, one plan, and removing duplicative regulations and striving toward, in the case of the trap tag program, a single tag throughout both state and federal waters.

CHAIRMAN BECKWITH: Just to give you some idea of the schedule that we're looking at in the State of Connecticut is going out for public meetings on our proposed plan to implement Addendum 1 and the whole trap tag and trap allocation system, and that's going to be mid-October.

Based on those comments, we will go into rulemaking probably November, early or mid, and have those regulations in place for January 1st, so our schedule is extremely tight. Phil, have you got a comment?

MR. COATES: Yes, to Harry's comments about the pitfalls of the federal bureaucracy. Harry, do you see this as a similar type of device with regard to the fact that it's a mandatory device that has to be affixed to, whatever, traps and everything else, being similar in it's complexity and durational implications as the VAS system?

MR. MEARS: I don't know enough about the complexities of that to make any comparison. I can only draw upon past experience from interstate MOU's, particularly statistics MOU's where it literally has taken years with individual, not necessarily the federal government, but states to get the necessary regulatory wherewithal, number 1, to enter into an agreement with the National Marine Fisheries Service for specific purposes.

So, to answer your specific question, Phil, no, I can't make the comparison between the two other than starting out with the sensitivity that we can't begin too soon to start looking at these issues.

CHAIRMAN BECKWITH: Harry, I'm going to assume something and you tell me if you don't agree with it. I would assume that the states -- that a good plan would be that the states would issue the tags for the people that are permitted to fish in federal waters. There's no reason for two agencies to do that.

MR. MEARS: I see difficulties with that not out of principle, but logistically. And, I think this is part of what needs to be discussed by a subgroup perhaps of this Board.

I don't see any way out of the fact that the federal government will continue to license federal permit holders, and that part and parcel of that would need to be the mechanism to link the communication between the permit holder and the vendor in terms of applying for tags.

I don't really see what the state role would be in this particular case, other than in the strawman the state would be receiving a list of state residents who are also federal

permit holders, and what their allocations have been, that have been communicated to them. If you could maybe provide a little more --

CHAIRMAN BECKWITH: Actually, I said something that I didn't mean. What I meant was the states would -- assuming we're going to work through a vendor, which we are and many of the other states can do directly and issue the tags, but we would get the information.

We would contact the vendor and authorize the vendor to issue tags for federal waters, rather than you working with the vendor. That was the preference or actually the point that I wanted to make.

You know, we've got an awful lot to do and get in place for January 1st. What if it doesn't happen? What if the MOU doesn't happen? How are federal permit holders going to get the tags? Is the Service ready to step in and make that happen?

MR. MEARS: The Service is ready with respect to having issued an RFI to potential vendors to do this unilaterally. It's our priority and goal to do this consistently with the states to avoid duplication and minimize burden on permit holders in both state and federal waters with this new requirement.

In terms of communicating with the vendor about what allocations are due to federal permit holders, my gut response, without think tanking this, would be that would be difficult to do by a party other than a National Marine Fisheries Service.

One issue right up front that we've become very sensitive to is tag costs. That's available information I'm aware of. We do not charge or cannot charge a cost in excess of the amount of the materials for the tagging and the expense related to administration of the trap tag system.

That might not be the case. That's my understanding at the current time. But, that's probably a minor issue that needs to be identified up front, along with other issues to identify various scenarios to link the communication pathways between each of the state and federal jurisdictions with the tag vendor and with the permit holder on both the state and federal basis.

CHAIRMAN BECKWITH: Joe.

COL. FESSENDEN: We have approximately 1,100 to 1,200 federal permitted lobstermen in Maine, and we had actually had this discussion during the development of the trap tag system. And, we were looking at doing it somewhat to the old MOU's we had with the feds, where we use to do endorsement on licenses.

The state use to endorse federal permit holders to fish in the EEZ, and actually it was

back when it was called the FCZ, so it's quite a few years ago. There's some history to it, and we were looking at basically implementing a similar system, you know with an MOU with the National Marine Fisheries Service, where we would identify the federal permit holders, and just put on the tag the EEZ endorsement.

You know, you put that stamp on the tag and that would allow that fisherman to fish inside and outside. A fisherman without the EEZ endorsement on the tag would be limited to state waters only. And, it seemed to me a real easy way to deal with the issues, certainly in the State of Maine.

I'm not sure on the other jurisdictions, but this meeting that Harry is talking about, I'd be glad to participate in that because there's some issues I think we can work out, because we've already thought about this.

We've talked about this in this Trap Tag Process Meeting, so I'd be interested in volunteering if you want to go down that road, for what it's worth.

CHAIRMAN BECKWITH: Pat, and then we'll take you, Bill.

MR. AUGUSTINE: Thank you, Mr. Chairman. Harry has gone around this problem and description twice as to what it appears this Body has to do, and it would seem the most appropriate at this point and time, rather than repeating one more time, that we form this subcommittee, of which I would be willing to participate if it were needed, and move forward with the process.

CHAIRMAN BECKWITH: Yes, I hadn't forgotten that. That's obviously one thing we have to keep in place. What I was going to throw out for the Board's consideration is that we have a trap tag subcommittee before that helped develop the whole system.

Would it be appropriate to call that group back in and have them address this issue, or would you want a different cast of characters on this? Any feedback from the Board on that? Gordon gives me the thumbs up. Anyone else?

MR. COATES: Who is on that, Mr. Chairman?

MR. WHITE: Who is on that committee?

CHAIRMAN BECKWITH: Well, I could probably guess a few names. I had Penny Howell on it. Joe was on it.

MS. SCHICK: It was each state elected or nominated people to participate. Joe Fessenden was there, Penny Howell, I believe Bob Ross sat in. I could go back and get the list. Basically, each state gave a state staff name and people participated. Jim Fair

participated from Massachusetts,

MR. POPE: Ralph, I think, was there.

MS. SCHICK: Yes, Ralph was there. So, we tried to get just different people from across the coast from each state and from the Service, and from Law Enforcement, and from Industry. There was also some of the LCMT Members that sat in.

George Dahl was there. I think all the LCMT Chairs might have been invited and participated, but I would have to go back and check my records. But, it was Law Enforcement, Industry, and State Representatives that Board members nominated.

CHAIRMAN BECKWITH: The group worked well. I think they'd be very capable. Okay, then we will do that. We will contact those people as soon as possible and try to get a meeting as soon as possible. Bonnie?

MS. BONNIE SPINAZZOLA: I'd just like to suggest that people from each LCMT also be considered for that Board. I know that the Historical Participation Workshop, which was really very good, had people from each LCMT, and I think it would be a good idea.

I don't know if they worked for the trap tag thing, but that would be a good idea. May I also suggest one other thing? I know that Harry had said that it takes a long time and really the Federal Bureaucracy tends to move slowly at times, but I think it's really important, at least through my experience, bouncing between the Federal Government and the Commission, I've found that the National Marine Fisheries Service listens very carefully to this Board and to the Commission.

And, if the Commission would like to see things move quickly, I can't guarantee that it would fly through, but I think it's very, very important for the Board to realize that they need to make their concerns very well known to the Service, to be able to get things -- something that they feel is very important, to at least try and get that moving forward.

CHAIRMAN BECKWITH: Phil?

MR. COATES: Yes, I think that the idea of resurrecting the trap tag subcommittee is a good idea, but I am concerned that the whole process is going to bog down because of the number of constraints, and that the cooperative trap tagging system is some years in the future.

And in absence of that, I was wondering if Harry had any reaction to the possibility, since most of the states have, as Joe mentioned, a licensing capability, and even identification capabilities of identifying those of fishing outside their waters -- in the



case of Massachusetts, of course, we have a very specific type of license issued within state waters, and then we issue licenses to all the other federal permit holders.

And, since there isn't anything specific to trap tagging in any federal rule that I'm aware of right now -- it's in the works -- whether the possibility of the state going ahead and taking care of this problem, with some common effort through this Trap Tag Subcommittee, and then having the feds come in and audit the results of that would be a possible direction to go in and save a heck of a lot of time and an enormous amount of bureaucratic waste.

CHAIRMAN BECKWITH: Let me see if I understand what you said, Phil. So, the committee gets together, puts together what the system should be. The states go ahead and do that or have a proposal that's audited by the Feds, and it can catch all --

MR. COATES: That's just as a thought, because virtually everybody is licensed, one way or the other, you know, by the states. There's no lobster fishermen that I'm aware of -- well, maybe with a couple exceptions down at the Southern end of the range that don't have some kind of a permit to land lobsters or to harvest lobsters, and I think we've taken care of pretty much the whole population.

So, it's just a matter of sorting out some kind of a common problem that the states could work -- a common mechanism the states could work on. And, under the Scariotis Doctrine, which still exists in the absence of FMP to the contrary and all that stuff, states can still regulate their fishermen fishing beyond state waters.

And, you know, this may be a way out of this, because I just have a bad feeling that this is going to go on, and on, and on. We're going to have this dilemma up in the EEZ, and, of course, then there's the other issue, which I don't want to get into right now.

But, there's a lot of permits that were issued under the federal process that in some states if they don't have any valid standing, those licenses were based on -- the issuance of those licenses were based on landings, certified by the fishermen when I guess they went to the Federal Government with their information.

And, I know in the case of Massachusetts there's several hundred, now, federal permit holders that have no standing whatsoever in Massachusetts since they never registered any landings under our mandatory program. So, you know, that's a minor problem, but it's something we're going to have to resolve down the road. And, if we could, you know, begin to look at that as well.

CHAIRMAN BECKWITH: I can see a few issues with that. Harry, do you want to comment on Bill's idea?

MR. MEARS: Honestly?

CHAIRMAN BECKWITH: No, I want you to lie to us. (Laughter)

MR. MEARS: I think the points are well taken. I think it's the type of discussion that could, in fact, occur in this Body. What I will do for my end, if the meeting, for example, could be scheduled for Gloucester, I could attempt to have legal counsel available to address any concerns from a federal perspective that might help this discussion along.

MS. SCHICK: And, I think along those same lines, the Trap Tag System was a little bit different than something like this. Under the Trap Tag System, we needed law enforcement, we needed industry, and we needed the states, and everyone to get together to develop this program.

There are no templates for us to use in developing this type of agreement. There are the confidentiality, and the Law Enforcement Agreements, but I think this may be of a different type, and it's quite large in magnitude.

And, I think, at the same time, the states should be very thoughtful of who they appoint or nominate to sit on such a committee, to make sure that the people that are sitting on this committee know both legally what the state's constraints may be and also maybe have some experience or some expertise in developing this type of an agreement.

I think that would be really helpful. I know Board member's times are very precious, and I don't know if any of the Board members could make it, or at least have some people that have some experience in developing the regulations and agreements like this.

I think that would be really useful and things may progress a lot faster than always having to come back to the Board for further advice.

CHAIRMAN BECKWITH: I think that that's a good comment. I think we should all take a hard look at the people that we do have and try to send to make sure they have experience and knowledge of what states can or cannot do. Bruce.

MR. FREEMAN: I saw a number of difficulties before, but a practical one in developing these criteria is that they may be accepted by the state and not by the federal agency because of the legal implications.

And then again, if indeed, they are even put in place by the state and there's some challenge, this challenge may be both to the state, a legal challenge both to a state and to a federal agency, in that a fisherman may claim he should be given more tags and

more pots than what he believes he should be given.

Bear in mind, going back to Addendum 1, some of the criteria in there are stepped, and when you get down to the very bottom, it's going to be very difficult to set a standard for those criteria.

I'm just concerned about when we get down to the few cases that may be disputed, I'm not sure how this can be resolved. It's going to get very complicated.

CHAIRMAN BECKWITH: Okay, any other comments on the MOU process and what we need to do and anything associated with that?

MR. FREEMAN: Well, one other point. I know from our standpoint, our Attorney General is going to have to review the MOU, and I'm sure from Harry's standpoint, their attorney's are. I'm not sure what the legal implications may be, but hopefully it's not complicated, but chances are they're going to come up with some impediment that may delay this process.

CHAIRMAN BECKWITH: Yes. Fortunately for us, only our legal counsel has to review it. We don't have to go to the Attorney General's Office. Bonnie?

MS. SPINAZZOLA: I just like to say I think Amy's suggestion was really a good one, and I think that the Board should grab Harry's offer to have legal counsel sit in, and perhaps a lot of pieces of the puzzle, you know, could fit together at one meeting.

CHAIRMAN BECKWITH: I assume the Commission will find the dollars for this meeting?

MR. DIETER BUSCH: We'll try.

CHAIRMAN BECKWITH: Okay, Amy.

MS. SCHICK: The discussion before had said something about trying to get a subcommittee together before the next Board meeting, and we may talk about this later on. We talked about having a Board meeting somehow in conjunction, again, with the Striped Bass meeting in October. I'm talking to Bob about it and --

MR. JOHN I. NELSON: Bad idea.

MS. SCHICK: -- so I just need verification from the Board. Would the Board like us to begin moving on this? That's less than a month's time to get a group together and get a meeting and get the results to the Board?

Is that an aggressive timeframe that the Board is interested enough pursuing, or is it something that we could bring back at the annual meeting? What sort of timeframe is the board looking at?

CHAIRMAN BECKWITH: Well, let me comment from my perspective. We probably shouldn't do it on the same day as the Striped Bass. That's going to be a full meeting.

I think your schedule is going to have to be aggressive from my perspective because we have public meetings, hearings, and regulations to do before the first of the year, so let's forge ahead on this thing very quickly. Gil.

MR. POPE: How much time is going to be allotted at the meeting in Mystic for the lobster?

MS. SCHICK: For the lobster board? The schedule hasn't been set yet. We requested, I believe it was 3 hours, but it's really up in the air until we can finalize that schedule. Once it's finalized, we can let you know.

MR. BUSCH: It's only two or three hours.

CHAIRMAN BECKWITH: Yes, I think it was only two hours. Well, we'll make whatever time we need. I'm sure the schedule is fluid at the moment. Bill.

MR. ADLER: What subcommittee are you talking about now?

MS. SCHICK: The idea of the subcommittee to be developed to address the idea of the state/federal agreements.

MR. ADLER: So, we have a Trap Tag Subcommittee that's got to meet?

MS. SCHICK: Just for clarification, the Trap Tag Subcommittee worked last winter to develop the Trap Tag system. The Board recommended that that same group be reconvened to work on the state/federal agreement, or a similar group.

So, we wouldn't be reconvening the Trap Tag Working Group. Some of those people may be asked to work on a state/ federal agreement subcommittee, but to set up that subcommittee in a similar fashion for the Trap Tag Subcommittee.

MR. ADLER: All right, so you've got this Trap Tag-Like Subcommittee that's going to be working on the Trap Tag-like problem, plus the MOU's with the Federal Government?

CHAIRMAN BECKWITH: That's it, they're one and the same.

MR. ADLER: Okay, and then, of course, there was that other meeting that we discussed between the Law Enforcement and the Lobster Advisors on that other issue. So, there's those two, and they're supposed to meet and get back before the next meeting of the Board? Is that the idea, is that what you're hoping for?

MS. SCHICK: I was talking specifically about the state/ federal subcommittee. A joint meeting with Law Enforcement and the Advisory Panel is reasonably not likely before the next Lobster Board meeting just because there isn't much time, and we try to get those notices out so people have plenty of time and arrangements would have to be made. I was talking specifically to a state/federal subcommittee.

MR. ADLER: Okay, and you're talking about a Board meeting outside of Mystic, or not until Mystic?

MS. SCHICK: There has been discussion about a meeting sometime in October to review the state proposals and implementation plans for Addendum 1 as a separate item of business, and the subcommittee could report to the board at that time as well under a more aggressive timeframe than waiting until Mystic.

CHAIRMAN BECKWITH: Is everybody on board with that? Harry?

MR. MEARS: I would also urge that attention not be lost on state/federal MOU perspectives for Areas 4 and 5 for historical participation; in other words, consistency and evaluation of how that would work.

CHAIRMAN BECKWITH: Okay. Are there any other issues or comments under the State/Federal Agreement Agenda Item? We've got a lot to do here. Okay, let's move on to the next agenda item, which is to review the final language for Addendum 1, and Amy will walk us through this.

MS. SCHICK: All right, there's been several draft versions of Addendum 1 going around since the last Board meeting in August, and I would like to just start off by saying that Addendum 1 was approved at the August Board meeting, and the major points can't be modified without another addendum.

What has been done is the Board did direct staff to work out the language on a couple of issues that I want to go over and make sure that staff captured the intent of the Board in this final language for the addendum, and there have been some editorial changes that have been made.

So, I just want to walk through those changes and make sure that staff has captured the intent of the Board. The discussion is not intended to make any significant changes to

Addendum 1, because we have already agreed on this document.

So, I'll walk through those language changes and see if there's any questions. In the introduction there's just some minor editorial changes that, nothing that is very significant.

The first issue that the Board had directed staff to work on language for was Section 2.2, which is the Black Sea Bass Pot Fishery. The language now reads that "fish pots used in the Black Sea Bass Fishery shall be classified as nontrap gear, and be subject to the limits on landings by fishermen using gear methods other than traps in Section 3.1.7 of Amendment 3.

And this is just a slight modification for the language that read "The Black Sea Bass Pot Fishery shall be classified," so this just makes sure that it's clear, that it's the fish pots used in the Black Sea Pot Fishery. Are there any questions on that?

The next issue is on page 6, Section 2.5.4.3, and that's the limit on vessel upgrade. Again, the Board directed staff to develop language for this section, and the language is "it shall be unlawful for a vessel over 50 feet in length, or upgrading over 50 feet in length, receiving an Area 3 trap allocation, to receive and/or replace their vessel by more than 10 percent increase in length, nor 20 percent increase in horsepower for two years, from January 1, 2000, to December 31, 2001."

Are there any comments on the way the final language came for the vessel upgrade?

MR. CONROY: Excuse me, I have just one question about the Sea Bass Pots. That only addresses sea bass pots. What about all the other pots to be used in any number of fisheries, are they --

CHAIRMAN BECKWITH: Well, most of these are non-issues because in the required vent sizes for the other -- of course, these are larger than the vent size required for the lobster fishery. Only black sea bass are smaller.

MR. FREEMAN: Well, Ernie, relative to the federal regulation, the rule, it's very important that that wording is identical or very close to this. I mean, this works for us, but yet in the EEZ, the federal regulations would prevail, the wording of the federal regulations.

And I think relative to the gentleman's question, if in fact, for example, use the conch pot and caught more than a hundred lobsters, my impression of the way the wording would be, that would be classified as a lobsterboat.

Right now, it's any gear capable of catching lobsters is a lobsterboat. So, all I'm saying

is -- I'm sure Harry and Bob are aware of it, but the wording is critical in the final rule, the federal rule, as how they define a lobster pot, as opposed to other gear.

CHAIRMAN BECKWITH: Harry.

MR. MEARS: As with Amendment 3, whatever appears in this document, as it may pertain to federal jurisdiction, essentially is a recommendation to the federal government to consider through rulemaking procedures. And in that respect, we have already received a letter, I believe, from the Commission following the last August 3rd meeting.

So, again, part of the comments which I've already provided on this particular document is, in fact, in the wording as it might be applied to the federal waters. The document is misleading in cases that can be corrected with minor editorial revisions to reflect that there's certain statements and paragraphs and provisions that essentially serve as recommendations to the Secretary for consideration in the EEZ.

CHAIRMAN BECKWITH: I guess that's what it means, and that will take care of it if it's needed.

MS. SCHICK: There's one final point, and it's somewhat related to what Harry just mentioned. There are some wording instances that have not been corrected in the version that I handed out today, that presume certain actions will be taken in federal waters, and I'll just read off where I've highlighted those things that changes will be made under Section 2.5.4 where it says "Area 3 off shore waters."

It will state that these are recommendations to the Secretary; and again in the historical participation evaluation system, it'll be changed to guidelines for historical participation evaluations system. And in some instances, where it says that the National Marine Fisheries Service shall do something, it'll be reworded that the Board recommends that the Service takes the following actions.

So, again, content lines, it doesn't change, it just ensures that this document isn't saying what's going to happen in federal waters, but that the Commission recommends that these actions are taken.

And, there's a couple instances that those modifications will be made from the document that sits in front of you today. And, that's all the edits that have taken place.

CHAIRMAN BECKWITH: Pete:

MR. PETE JENSEN: On the Black Sea Pot Issue, can you refresh my memory on what the pot rule is, and when this would take place, and when the federal rules will be changed?

I think our fishermen are feeling a little bit in limbo as to not knowing quite what they're suppose to be doing at this point, whether they are able to bring in the 100 lobsters now from sea bass pots, or whether they're subject to the vent requirements. This is effective January 1, 2000, correct?

MS. SCHICK: Correct.

MR. JENSEN: But, in the meantime the federal rule is out, right, which makes them lobster pots?

MS. SCHICK: Correct.

MR. JENSEN: So, the question is how quickly can you correct it?

MR. MEARS: Well, I think the key point here is that, yes, the current federal regulations, regardless of where they reside, do not incorporate this definition for the sea bass pot, and I would interpret this provision is a directive to the states and a recommendation to the National Marine Fisheries Service to institute a new definition for pots that fish for Black Sea Bass.

What we would do in follow up to such a recommendation would be to subject that to Federal Rulemaking Procedures and Public Review prior to any formal change in the regulations.

MR. JENSEN: But when do you think that will happen?

MR. MEARS: Quite likely during the next -- I find it somewhat awkward here, we don't have the final rule. It's hard to speculate on what our next rulemaking timetable might be, but it would be in the next round of federal rulemaking, would be my anticipation.

CHAIRMAN BECKWITH: Okay, are we finished with that?

MS. SCHICK: There's one other problem. In terms of when this document will be published, right now the Commission has run out of published copies of Amendment 3, and so what staff's intention is is to send this addendum to the printer in a combined package of Amendment 3 and Addendum 1, in one published document.

That will be going to the printer at the end of September, and will be definitely available by the annual meeting. If there's no objections, that's how we'll plan on printing Addendum 1, is in this combined package of Amendment 3 and ADDendum 1.



CHAIRMAN BECKWITH: Bruce.

MR. FREEMAN: I have had several comments on the information that Amy just went over. Looking back in my notes, there was some wording that I had down. Perhaps I'm mistaken, but these changes would be made, and I don't see them in this wording.

CHAIRMAN BECKWITH: Well, why don't you tell us what they are?

MR. FREEMAN: Let me just go back. It's 2.3.7, the Law Enforcement on page 3, on that second line where -- well, it starts, "in order to have effective enforcement for Trap Tag Systems, recommend that Law Enforcement Agencies should have" -- I had "the authority and ability to actively haul lobster gear".

There was quite a bit of discussion about some states having that authority, or not having that authority? Now this is a recommendation, but there was a discussion whether the states could do this or not.

And so, I added that word "authority", and I thought that could be put in there. And then, going over to the Area 3, this is on page 6, in the middle of that page, under 2.5.4.3, the limits on vessel upgrades, I also thought where we had the 10 percent increase in length, we would add in "length overall".

There was some discussion of how this would be measured. And then under "horsepower" be "shaft horsepower", as opposed to there's various ways of computing horsepower, and there's various engines on a vessel. So, to have auxiliary engines for generators or something wouldn't necessarily impact if the shaft horsepower was there.

CHAIRMAN BECKWITH: Okay, does anyone have any objections to these points Bruce brought up with the 2.5.4.3? Then we will incorporate those. Let's go back to the Law Enforcement Section, 2.3.7. Bruce mentioned the issue of word "authority".

Is this a problem for any of the states? Most of us already have that authority. Okay, not seeing anything to the contrary, Amy will make that note. Any other comments on Addendum 1 before we move on?

REPRESENTATIVE EILEEN S. NAUGHTON: A point of clarification. I'd ask the Chair if this would be posted on our in-state web sites?

MS. SCHICK: The agenda?

REPRESENTATIVE NAUGHTON: Yes.

MS. SCHICK: Of course, it will be. Once these modifications are made, we'll get it up on the web. Probably early next week, we can have it up on the web.

CHAIRMAN BECKWITH: Pat.

MR. WHITE: Mr. Chairman, the question has been asked why on 2.6.2, under the Scenario A, B, and C, the requirement isn't also asking for a federal or whatever logbook may be available?

CHAIRMAN BECKWITH: Where is this now, again?

MR. WHITE: 2.6.2.

CHAIRMAN BECKWITH: Under 2?

MR. WHITE: On page 8, under "the participant shall then submit," and include in that again whatever version of a logbook would be available.

MS. SCHICK: I'm confused. They're required to submit a full season's logbook.

MR. WHITE: Or, you go down into the other scenarios, and would it be just as well to include that, also, in each one of those scenarios, or is that not necessary?

MR. WHITE: My understanding is that it wouldn't be necessary, because if you're submitting a logbook up front, then that information is going to be required when they go through the different scenarios as well.

It'll all happen at one time. You have to submit your logbook, and you would have to submit the affidavit, and then whatever documentation is required under the scenario. So, I think it would be covered, if I'm understanding correctly.

CHAIRMAN BECKWITH: Bonnie.

MS. SPINAZZOLA: In the Area 3 Plan, our intention was, when we wanted the logbook in the first place, was that there are two different qualifications within the plan. The first one is to qualify for the fishery itself.

And, Pat had made a recommendation that the logbook be taken out of that and just have the affidavit, and we agreed that that would be all right. However, we wanted to keep the logbook in each of the other scenarios when you qualified for numbers of traps, just so that if someone had one form, that should not really be enough to qualify you for the numbers of traps that you're requesting.

We wanted something to substantiate that, and a logbook would be something, although it's not a legal document, you could very easily flip through the pages of a logbook and show that the number of traps that he's writing down on his document is something that he's used to fish in.

If you didn't have a logbook for each one of those scenarios, then you would just be kicked down to number 4, where you would have to come up with some other cooperating evidence. It's really a safeguard from someone who perhaps may have, you know, documentation that may or may not be legal, or whatever, and just kind of giving it in, to try and get more traps than they really are allowed to have.

Once they have a logbook and that piece of paper, it's very difficult to try and change anything. It's just a safeguard. We would really like that to be in there. I think that was the understanding when we talked at the last Lobster Board meeting.

CHAIRMAN BECKWITH: Joe, you have you hand up?

COL. FESSENDEN: I was just going to say when we went through a qualification process in Maine to qualify people to renew their lobster license, we started out with affidavits, and we thought that would be sufficient.

But, it wasn't very far in the process when we found out they needed to cooperate that with other information logbooks, landing slips, and additional -- The affidavits didn't work. We had some cases where people did falsify affidavits, and it created a nightmare for law enforcement to investigate the affidavits.

So sometimes the paperwork that Bonnie is talking about may be easier to qualify people for eligibility, which is a point of information.

CHAIRMAN BECKWITH: Amy has a comment on this issue.

MS. SCHICK: My only concern is that the Board has approved Addendum 1, and to make any significant departures or additions would be difficult at this point in time.

I would like to point out that these are really guide-lines and that the states have to go home and implement this system. Bonnie has made a good case, a good recommendation, and that maybe the states could consider that when they go and are preparing their state proposal on what the evaluation system would be; that cooperating evidence other than just one form should be encouraged.

Again, I think from the Commission's standpoint, we have approved Addendum 1, and to go back and make changes at this point, I think is inappropriate, but with the states developing implementation proposals, that type of information could be incorporated

into state proposals.

REPRESENTATIVE NAUGHTON?: I need another clarification. The point of this meeting, isn't it to have us have input in here and possibly make recommendations for changes, and then --

MS. SCHICK: The addendum was approved by the Board at our August Meeting Week. On August 3rd, they approved Addendum 1 and --

REPRESENTATIVE NAUGHTON: But our purpose here today is reviewing this document?

MS. SCHICK: What we're doing today is that the Board had directed staff to make some language revisions and editorial changes to this document when they approved it. So, they approved the document, and at the same time directed staff to modify language in certain portions, and that was contingent upon approval.

So, what I wanted to do today is take the language that staff developed and make sure that that language that the Board directed staff to develop captured the intent of the Board at the time of approval, not to make any significant modifications to the document, but to make sure that staff had captured the intent of the Board.

REPRESENTATIVE NAUGHTON: So, we're only to review that language, now look at that language and review it to see how it affects the sum total of this draft and have input?

MS. SCHICK: It's just to review the language that the Board had directed staff to develop. It's not to make any significant modifications. This document has already been approved. It's just editorial and language that staff has been directed to modify.

REPRESENTATIVE NAUGHTON: And our sole purpose is to see that that was done?

CHAIRMAN SPINAZZOLA: Bonnie.

BONNIE: I just want to kind of clarify the fact that my intent was not to change the document. I thought what I was -- actually, this section is one of those areas that the staff was asked to write down, and to take a look at and interpret.

What I'm saying is I think that perhaps it was interpreted somewhat incorrectly and that I believe the intent was to leave the logbook in the Trap Allotment Section, and that the discussion about taking the logbook out of the qualification is correct if someone has it or if it's personally kept,

But I believe the intention at the last meeting was to keep the logbook scenario in the trap allocation. We had discussed that, and that's what I'm saying. I don't want to change anything. I just want to try and rectify what I think might be a misunderstanding.

CHAIRMAN BECKWITH: I'll have Amy comment on that, and then we'll take any other comments from the Board.

MS. SCHICK: I guess under Section 2.6.2, number 1, the whole season's original logbook is required for anyone who is interested in getting a trap allocation, so a logbook is required up front, and that logbook will be considered when trap allocations are made. I don't know, Bonnie, if that clarifies things, but it is required.

MS. SPINAZZOLA: The only thing, Amy, is that there are two separate qualifications. One, you can qualify into the fishery, and that's one particular situation. But the other would be qualification for trap allotments, and I just -- and, perhaps they can be done at the same time, but perhaps they may not be.

And I completely understand what you're saying. I agree with you, that if somebody comes in and does or doesn't have a logbook, they can qualify for the traps at the same time, using that scenario. But, if they don't try to qualify for trap allotments at the same time as a qualification into the fishery, that's where it just gets sticky.

CHAIRMAN BECKWITH: Are there any comments from the Board to this issue? Does anyone want to recommend any change in the language from what we have here in front of us or are you satisfied? Not seeing any comment, I'm assuming that we will just keep what we have. Bill?

MR. ADLER: Well, I just want to see if Bonnie's concerns -- do you feel that the way it is worded here, it addresses the concern, first of all, the participation into the -- participants in Areas 3, 4, 5, 6, and does this also cover the criteria for applying for traps?

I mean, if you feel that the wording right here addresses those two needs, then you're all right. If not, then you have to do some -- we've got to fix this. So, do you feel -- does anybody, when you read this over, do you feel that it accomplishes what is needed here?

First, you have a criteria to participate -- correct me, Bonnie, where I'm wrong, here -- first you need a requirement to participate, and then you need a requirement to get a trap allowance, and can you use the one for both, or is there a need for two separate kinds?

MS. SPINAZZOLA: You may do them both at one time, but if you don't, then leaving the scenarios without some other form of information to substantiate, we're allowing people to come in and qualify for numbers of traps by handing in one piece of paper and not being able to look at anything else substantiate that that information is correct.

MR. ADLER: Is the way this is wording here --

MS. SPINAZZOLA: They may be two separate qualifying periods, and so the person who comes in with the logbook in the first scenario; if they come in a second time and they may not have it, and under this they don't have to have it.

MR. ADLER: Under what?

MS. SPINAZZOLA: Under this.

CHAIRMAN BECKWITH: Okay, let's direct our comments up front. Amy has got a comment.

MS. SCHICK: Bonnie, also to that point, Section 2.6.2 provides a guideline as to how states should go about evaluating historical participation, but that doesn't preclude Section 2.5.4, which is the actual qualification criteria and basis for initial trap limit numbers in Section 2.5.4, and under that a vessel has to demonstrate a history of two consecutive calendar months, and also records showing at least 25,000 pounds of lobsters landed.

So that's two other cooperating pieces of evidence that someone has fished in Area 3. I don't know if that helps you with some of your concerns; but again, Section 2.6.2 isn't the only thing that is being considered in the evaluation.

You also have to go back and look at what are the individual area qualifications and basis for allocating trap numbers. So, side by side, there may be more documentation required than just the 2.6.2 in order to meet those criteria.

CHAIRMAN BECKWITH: John Nelson, you had your hand up?

MR. NELSON: Well, I was going to say, Ernie, that my memory is a little vague on what we had decided in 2.6.2., and Bonnie may very well have a point that that discussion took place, and can we just go back to the tapes and check that out; and if that was the case, add the necessary wording to the section. It doesn't seem to have captured what some of the participants have felt was going to be captured. So, can we check it somehow?

CHAIRMAN BECKWITH: We could certainly do that. That means we'd have to

come back again with any other changes corrections. Pat, and then you, Bonnie.

MR. AUGUSTINE: Thank you, Mr. Chairman. I think I'm under the impression that the LCMT's agreed with the overlapping control, back to the 5.2, the first one we started, on the 25,000-pound limit. Which one was that?

MS. SCHICK: Section 2.5.4.

MR. AUGUSTINE: Yes, that in addition to the language in the 2.6.1, you know, but follow that with an overlap of 2.6.2, and I felt the LCMT had agreed to that in our lengthy discussion about this particular thing.

It was inclusive of the control that we wanted over establishing who could get them and who could not get them. But, the language that was developed in 6.2.2 adequately gave the control that you needed.

Ralph is shaking his head, and as I recall the very lengthy conversation we had, and the point that Bonnie brought up, were made at that point in time. And I think the overriding factor is that overlapping and vendor lapping, if you will, by interaction of those 3 sections, puts the control on it that's needed to determine who could and who could not be qualified for licenses.

So, if we go back to the states at this late date with an issue that was discussed at length at that point in time, I am wondering if it is going to benefit us at this particular point in time; or, is this another exercise where we're going to stretch out the process

Maybe we need a little clearer statement as to what that means, but it appears that that was well discussed and they agreed to.

CHAIRMAN BECKWITH: Well, we have two courses of action. One, we could go back to the minutes, and did you say that they were going to be available soon?

MS. SCHICK: They're not available. I'm not sure, but I believe by the end of the month they should be available, but I'm not positive on a date.

CHAIRMAN BECKWITH: Okay, we could go back to the minutes and, of course, we wouldn't wrap this up today. We have to check the minutes, and then any changes that are necessary would have to be made. I would assume we want to get this thing printed up and out in people's hands.

And so, we have two courses of action. We can check the minutes and make whatever changes if necessary; get that out to you via fax or mail, have you respond back, and based on the responses, we could probably finalize it.

It probably is not necessary to go back out and wait for another Board meeting -- or, if you want to address it right here and now, if you feel comfortable doing that, we could do that. What's the preference of the Board? Pat.

MR. WHITE: Question. Why couldn't we as a Board agree that if indeed it was in the minutes, that it would be okay to do; that there wouldn't be a substantive change if that was there. If it isn't, then we just go on as it is. Why do we have to go through all that extra stuff?

CHAIRMAN BECKWITH: It's up to the Board. If you want to trust staff with looking at the minutes, and making that change, and not having you have an opportunity to take a look at it one more time, it's your call.

It's your call. Is that the way you want to do it? I see a few heads shaking. Okay, staff will be charged to use their own discretion, I guess, to interpret the minutes, and make those changes.

MR. BUSCH: When we make the interpretation, the minutes will guide us as to what to do.

MR. WHITE: Right.

CHAIRMAN BECKWITH: Okay, I hope you it's that clear. Gordon, and then we'll get you, Bonnie.

MR. COLVIN: I would just suggest, Mr. Chairman, that it would be appropriate when staff reviews those minutes, for them to send a memo to the Board members that breaks out what they've done, and why and that would be part of our record. And I think with that on the record, I at least am comfortable with this approach.

CHAIRMAN BECKWITH: Dieter.

MR. BUSCH: Mr. Chairman, when we send out this memo, we can attach the appropriate page of the minutes to it.

CHAIRMAN BECKWITH: Okay, that sounds like a plan to me. Bonnie?

MR. SPINAZZOLA: I just wanted to say, first of all, this was not meant to create any extra length in any of this. I will say that, in the first place, I believe in the minutes, what Amy will find is that it was left for staff to interpret in the first place, so I think it might be very difficult.



The only thing that I would just like to say is that because, in the first part of this, it says -- it leaves it up to chance. If the person does or doesn't have a logbook, it's voluntary. All we're suggesting is that we had wanted -- and the plan was written and we believed that that was the way it was, that in the second part, when it comes to allocation of traps, it's not voluntary.

You have a logbook. And then, what would happen -- and I thought that we discussed it, and perhaps we didn't -- is just that you would have to come up with other cooperating evidence. And, I don't mean for this to get more difficult than it really is.

It seems fairly simple, at least to me, and I apologize for saying that, but I'm not trying to drag this out for any reason. That's just the way the plan was written, and I think it was changed inadvertently.

CHAIRMAN BECKWITH: Okay. Well, we have a course of action on how we're going to deal with it with the Board's concurrence on that, so let's move on.

Harry, is this on the previous issue or on the next agenda item?

MR. MEARS: What's the next agenda item?

CHAIRMAN BECKWITH: The next agenda item is -- actually, it says Update on Stock Assessment.

MR. MEARS: I have one more question concerning the Addendum 1 implementation language. This is with regard to historical participation in Areas 4 and 5 and Section 2.5.5.1, on page 6, and again, Section 2.5.6.1, on page 7.

There's two identical sentences, which I'm questioning. I'm not certain if in fact that was the essence of the discussion at the August 3rd Board meeting. The sentence says, "that individuals shall be allocated the total number of traps fished", which indicates that there will be no cap in those two areas of historical participation as it has been approved under Addendum 1.

I just want to verify whether or not that is, in fact, what was agreed upon, or a modification needs to be made there. In other words, there's no upper limit for either of those areas; whereas there's, you know, an upper limit in Area 2.

CHAIRMAN BECKWITH: Yes, Amy.

MS. SCHICK: Again, I can check back with the record when we get the minutes in, but as I recall the Board adopted the LCMT proposal as it stood, and that does not have an upper cap. My recollection is that no upper cap was set for Areas 4 and 5, but I will check the record.

CHAIRMAN BECKWITH: Okay, any other items for us to check in Addendum 1?

MR. CONROY: Under 3.1.1, it says "the Board recommends the following elements be reported daily", and with the reports submitted to the state. Again, as with the trap tags, industry has tried for the past couple of years to develop mandatory reporting in the State of Rhode Island, and the legislature has failed to pass this. Is that something that this Commission can put some weight on the State to comply with that?

CHAIRMAN BECKWITH: The answer to that is yes and no. The ACCSP Program mandates mandatory reporting, but that's supposed to be implemented through the individual management plan, and the Board did not mandate it in this plan as of yet, and it's not mandatory. It's recommend. Perhaps at some date in the future we'll do that.

Any other Addendum 1 items? Okay, let's try to move on. Okay, we're on Agenda Item Number 7, and that's an update on the stock assessment. Are you going to do that for us Amy?

MS. SCHICK: At the August Board meeting, both David Stevenson and Carl Labue were present and gave an update to the Board on the status of the stock assessment, what they were working on, and timing.

And since that time, there have been a couple of changes in the timeline for when the assessment is going to be completed. And, I just wanted to make sure the Board was aware of these changes. Right now the Technical Committee is scheduled for a September 29th and 30th Technical Committee meeting.

The Technical Committee will have at least a week's time to review the final draft of the assessment report, and are scheduled to approve that assessment September 29th and 30th .

That had been delayed because we had previously scheduled a meeting for September 15th and 16th or 16th and 17th, mid-September, and it had been pushed off to September 29th and 30th. Again, the report should be approved at that time; and then following approval, we'll set up a peer view of the assessment.

CHAIRMAN BECKWITH: Can I ask a question, Amy. It will be approved, but will the final editing and writing require another week or two to do that?

MS. SCHICK I can't comment on the timing of this report, I apologize. This is the schedule that we have right now, the 29th, the 30th. I would imagine that there will be at least a week or two to make any final edit that the committee would like to make final changes on wording, and any issues that come up at that meeting. But again, it

could take longer. I don't know.

CHAIRMAN BECKWITH: Gordon.

MR. COLVIN: I just have a question - and David is not here -- but I suspect that both the staff and the chairman have spoken to him as this progress is going forward. My understanding is that a group of people are cooperatively -- and that's a relevant term -- developing the assessment, and there are assignments for completing different parts of the assessment that will be presented and discussed by the full Technical Committee at the meeting on the 29th and the 30th.

Now, we all know that things have slid, and my question at this point is can the chair or the staff advise us as to whether all of the folks who have assignments are going to have them done on time?

And I know that this is a tough, pointed question, but I think under the circumstances, it's not an unfair question, simply because we really need to get this done; and if we're going to have a problem, I'd like to know it now, and not two weeks from now.

CHAIRMAN BECKWITH: Well, I can give you my opinion. I don't know if it differs from Amy's opinion. My understanding is that analysis is still ongoing, and one of the primary key players is out on a cruise measuring fish, and he's doing that analysis on the vessel, and supposedly e-mailing that back.

There are people that have assignments that are supposed to be writing things and people are waiting for that. And, quite frankly, I think if they get it done it time, it would be very enlightening.

My opinion is that there will be more work required after that, and I think they are getting -- I think we're on the homestretch, and I think we'll see it getting done. We have a member of the Technical Committee here, and I'll put him on the spot. Tom, you're a lot closer to it than I am. What's your assessment?

MR. TOM ANGEL: Well, I can actually tell you that the State of Rhode Island has finished its part. It seems to me that there's been a lot of e-mail traffic between the people on the committee. My perspective from it is that I think that -- I'm expecting that it will be ready on the 29th and 30th; you know, the final report.

CHAIRMAN BECKWITH: Good. Dieter.

MR. BUSCH: Mr. Chairman, I think a small part of the problem might be a little bit of confusion that maybe the Board contributed to at the last meeting. And that is that there seems to be a slight difference in understanding between the staff and the

commission and the subcommittee membership as to, not the urgency so much, but as to a due date, whether we have a fixed due date, whether we have to end the process even though we're not all completed with the level that we want; or whether we will continue to try to do everything to reach near perfection, and so that the search for perfection allows slippage and so on.

So, is there a requirement or a due date set by the Board, or is the nebulous term of reaching the highest quality dying in the process?

CHAIRMAN BECKWITH: Well, I don't even think that's an issue at the moment, because I think they are still trying to get the basic parameters finalized; like F rates. They've just gotten F rates recently, a week or so ago.

Yes, I mean, I wish it were there to put the final polish on it, but I think we're still getting all the parts in trying to put this animal together. That's what concerns me.

We've invested so much time on that, and my personal opinion is that it would probably be not prudent to give them a hard cutoff date, to finish it by this date. I think we're getting close to being able to do this. I think by the 29th and the 30th we'll be in a very good position to know whether they have all the elements wrapped up.

There's a good part of it that's done. There are some parts of it that aren't done. This is just my assessment from listening to what people tell me, and I could be way off base here. Amy, do you have -- you're a lot closer to it than I am because you attend all the meetings. What's your take on it?

MS. SCHICK: This group has come a long way in the last nine months. I mean, they've accomplished a lot in terms of the advances, compilation of information, compilation of data, more people understanding what's going on than has ever taken place in the past.

And it has just taken time to get to this point. However, I think my view differs a little bit different from yours, Ernie. I think that they are at a point where they could begin wrapping things up. I think in science and in the assessment process, it's always going to be ongoing. There's always going to be new information, there's always going to be a new way of looking at things, and at some point you have to write it all up, take it out for peer review, and you're just going to end up right back at the drawing board.

So, my impression is that things could be wrapped up and a report could be presented and we could get on with the assessment, the peer review and management. But, I really believe it's up to the Board, and what the Board wants and what their goals are out of this assessment; striving for perfection, or getting, you know, saying "okay, we've come to a really good point and, you know, let's get a report written, and move

forward with the peer review and with the management implementation.

And, I think the Board just has to make a call and whatever the Board decides, staff will make sure happens.

CHAIRMAN BECKWITH: It's a very difficult position to put the Board in when the Board really isn't apprised of what the issues are and where the assessment really is. You know, I hear all the bad things.

I don't hear all the good things, so maybe I've got a more negative view on the whole thing, but there's a lot of issues and that has just recently been made available. There's been some errors found in some of the models and parameters very, very recently.

There are some rather significant issues that we are just currently wrestling with. I really think we have got to wrap those things up. If we don't, we are not going to doing justice to this. Gordon.

MR. COLVIN: There's just a couple of more things, Mr. Chairman. One is that with respect to the question you just asked, I recall sitting in this room a long time ago talking about the assessment and it's timing with respect to implementation of what has become known as Addendum 2.

And I remember Pat and Phil working on motions that said "not later than December", or something like that. But, I recall that in the preamble to all of that, this point was made by several of us, and that is this: this is the one shot we're getting at this with our State Legislators and with our Industry to set the basis for a management program that will take us from where we are with this fishery to where it needs to be.

And, unfortunately, what that does, fairly or not, is that it makes this assessment a really critical work product that's going to drive whether we succeed with that one shot, and that's why a lot of us have had this attitude that we need to give the Stock Assessment Subcommittee the time to complete the best work product that they can, and to correct the errors that surface, and to deliberate and debate and to kick each other around so that those errors get found; and to throw ideas around, and to debate them, and to prepare written discussions of some options and ideas that may be new, and may not have been part of the last assessment.

And, I think that that's happened, I really do. And I think that's really the upside. The downside is that it's dragging a little bit, and I have a sense -- and that's why I asked the question I did a few minutes ago -- that not all of the Board members are themselves aware of where things might be slipping with respect to the people that work for the agencies that they represent.

And, it may be too late to do much about that with respect to the end of this month, and it probably is. But if we encounter any further problems, Mr. Chairman, I think that I at least would like to ask you to personally have pointed discussions with any Board member who represents a state whose technical support is not getting the job done for us. Because, this really is important, it's critically important for the future of our management program.

CHAIRMAN BECKWITH: I guess Gordon and I are really on the same track because these stakes are high, and I've heard some people say "Well, if you don't finish it up this time or if you have got some issues unresolved, we'll just carry it forth to the next assessment".

I don't think we can afford to do that, because the stakes are so high, and we're looking currently at a wide divergence of opinion and supporting data as to where we are with our level of fishing or overfishing.

And I'll be quite honest with you. If you go with the egg per recruit model, we're looking at being 50 to 60 percent overfished; and if we have to go forth with that, that's extremely problematic, especially based on what the fishermen are saying in the fishery.

There's some down turns now, but they're not seeing a dramatic down turn. We've got to do the best job we can to get this thing right. As I said, the stakes are extremely high; but I agree, we're running out of time.

I told both the chairman of the Technical Committee and the Stock Assessment Subcommittee because I sort of interceded in this last request for an extension, because as it turned out I was away on vacation, and I came back and then the Commission was gone, and some things had happened in terms of putting a little pressure on them, and when I got back, my phone started to ring and saying "we just can't get it done", and I sort of got caught in the middle of this thing.

But I told them that this is it, this is really it. We've given you, I don't know how many extensions so far, but if you come back and ask for another one, you better have some clear justification, more than what you've put forth so far.

But, this is about as big an issue that I think that any of us lobster states have ever addressed for a long, long time, so my feeling is let's get it done right, but we definitely do have some end to this thing, and we're really close to being there. Mark.

MR. GIBSON: Yes, I had a comment to both Item 7 and 8. I share your concerns about the schedule and the completion of the stock assessment. I think they may have a

completed document by the 29th and 30th, but I'm skeptical as to whether you'll get Technical Committee consensus on that document at that time.

And that debate is going to continue on I think for some time, and the suggestion I have is that I think the Board needs to reconsider the linkage they have made between receipt and peer review of the stock assessment, and in planning and beginning development on Addendum 2.

I think that is starting to look like a strategy that we may have not have wanted to get ourselves into, that we may need to decouple those two things. That would be my suggestion at this point, to rethink that.

I think the planning and development of Addendum 2 needs to begin at a time certain, regardless of what the outcome of the stock assessment and the peer review process is.

CHAIRMAN BECKWITH: I thought the major purpose of Addendum 2 was to --

MR. GIBSON: It was.

CHAIRMAN BECKWITH: Then how can we do it without --

MR. GIBSON: Because I'm not convinced you're ever going to get consensus. You may get a peer review disposition of those results, but the underlying -- people who developed that and the states that are in receipt of that information are still in disagreement over the assessment. I don't believe that the Peer Review Panel is going to make any difference.

CHAIRMAN BECKWITH: Well, I certainly hope it would, and maybe that'll happen, maybe they won't be able to deal with it. But, if they don't deal with it and give the Board some strong recommendations, we're going to have a big problem right in our lap.

We have one part of the assessment that says you don't have a problem you have another part that says you have a big problem. And that was the whole purpose for the peer review, to really sort this out for us. If you put it back in our laps, I don't know what we're going to do with it. Gordon.

MR. COLVIN: You know, Mark has got a point, and that may very well be. I have been thinking a little bit about this and probably not as much as I should, but I can foresee the same set of circumstances.

I can also foresee us getting the final Stock Assessment Report, a Minority Report, a Peer Review Report that is all over the map in terms of what it has to say about what

could or could not be the appropriate advice to manage from, and it may very well be that we get to that point, and we identify the need for some kind of a further process, something new and innovated in terms of reconciling a variety of different scientific advice, and narrowing, or maybe just better understanding the risks of different courses of action based on that advice.

My guess is -- and I agree to this extent with Mark, that the Peer Review Report may not be where we are then able to depart to Addendum 2 from. We may have to go beyond that. That's a very good possibility, but I'm willing to wait until we get there, and then try to find another way of moving that into advice before saying now we should consider going directly to Addendum 2, because, quite frankly, I don't know what the basis of it would be, and how we would -- you know, if we use as the basis for Addendum 2 what we were using for the original LCMT stuff, that has no credibility at this point with our own scientific advisors.

If we don't use what they're advising us and recognizing there's going to be different and conflicting pieces of advice, then what do we do? I think that's where we're ultimately are going to have to start narrowing the range of variation and understanding risks. But, I think when we get to that point in time, we'll do that.

CHAIRMAN BECKWITH: Yes, I think those are excellent comments, Gordon, because maybe I was being a little too hopeful and wishful that the peer review was going to tell us this is what we've got to do. They probably won't do that.

I think it's probably very prudent on our part to really consider another process because we may have this problem dumped right back in our laps. Bruce.

MR. FREEMAN: I think we need to keep in mind, Ernie, that particularly in the southern part of the fishery, which, there's very little information collected over time, that implementation Addendum 1 will provide a wherewithal to start collecting that information.

I'd be somewhat taken back if in fact the stock assessment identified all the problems, because I simply see part of the major problems is just that we don't have the information to analyze. The implementation of Addendum 1, of collecting that information is going to be paramount to the success of the management of this fishery.

CHAIRMAN ADLER: Bill

MR. ADLER: My first question goes way back to -- are you saying that the 29th and 30th revelation, if it does in fact come out will be the peer reviewed one, or the pre-peer reviewed one?



So, then it's got to be peer reviewed, which takes another weeks, months, month, before it's finalized, and this may be saying the same thing that others have said, but basically, before you approach industry with let's sit down and draw up Addendum 2, boys and girls, you've got to have this thing right up to snuff, or they're going to say "Well, come back and call us when you're done, because we can't work with jello figures unless we give you jello back.

CHAIRMAN BECKWITH: I think that's an issue that the Board is going to have to probably wrestle with it during our next Board meeting. We'll have the draft assessment and it'll be going to the peer review, and the Board will have to determine whether they want to, based on what's in the assessment, prior to the peer review, and because of some timing issues, whether they want to convene their LCMT's to have them put together some plans and scenarios, perhaps based on the worst case scenarios and the assessment and get a good jump start on it. The Board may choose to do that. Gil.

MR. POPE: Yes, I don't know if this clarification is going to muddy the waters or anything, but when I was in Alexandria, at the end of the meeting there were two stock assessment people that were sitting over on this side of the table there. One of them had a dark beard, and I can't remember his name --

MS. SCHICK: Carl Labue.

MR. POPE: And one of the comments -- and I think Harry was asking him a question about how is the rebuilding schedule going, and so on, so on, so on, so on, and I think he said, "It's quite rebuilt, thank you".

So what I'm taking away from this is is that there's a rush, that things are really critical here, and that it has to be done in the next few months. Am I taking away the wrong impression here that the lobsters are in real trouble, are they being overfished, you know, by double that they should be, or what? I mean, I got that impression at the last meeting. Did I hear them wrong?

CHAIRMAN BECKWITH: That's the issue, precisely. I think what it boils down to is that the benchmark and the techniques we utilize to determine whether we're overfished are being questioned, whether that method is appropriate or not.

And, there are alternative methods being analyzed on the coast, which show quite a different picture. Depending on which side of the fence you fall on, it's overfished or you don't have problem.

MR. POPE: Tagging studies versus VPA in the last meeting.

MR. ANGEL: It almost sounds to me -- I know Carl a little bit and I've been working with him for the last year or more. I mean, Gil, it almost sounds to me like it was kind of a facetious comment he would make and --

MR. POPE: But, I took it seriously and --

MR. ANGEL: -- and he probably shouldn't have said that, but can we leave it at that?

MR. POPE: I thought he was serious.

MR. AUGUSTINE: Mr. Chairman, going on the 30th date, it looks as though we've got a two- or three-week of period time there, and that peer review is going to take two weeks, and then you've got 6 weeks after that.

During our October report, the end of October, first part of November, is there a window when we would task-free, because all of the members will be at that meeting, anyway, have either a side bar, a small meeting with the Lobster Board, to look at what they've done for the --

CHAIRMAN BECKWITH: You mean with the Technical Committee?

MR. AUGUSTINE: Yes, for the Stock Assessment Report itself, because you're saying here the stock assessment report to be completed in October, and to see if there are any glaring inadequacies to help them out?

I think by that time, the stock assessment group will have identified areas, I believe that have some weakness to them. It just seems that we're getting the cart in front of the horse, or the horse might hurt itself, and it seems as though there's a window there for the Board to at least take an initial peek at it to see if there's any glaring thing that jumps up and bites us.

Maybe that is the time where there might be a slight delay and take more time to fill in those weak areas, if you will, before it goes to the peer review.

CHAIRMAN BECKWITH: I'm not sure what you're saying. I mean, I'm not qualified to go to the assessment and say it is weak here, and I'm just not close to the technical the stuff anymore.

We've all seen an outline. I think it's very comprehensive and very compact. I think the issues are -- you know, have we identified all the issues? Have we stressed them appropriately in there? Do we have good, sound data? Are we ultimately in agreement? Has everything been double checked and peer reviewed internally?

I don't think we're going to have time to really delve into the assessment -- if we get it by our next Board meeting, we'll be very, very lucky. We just won't have time to take a look at it.

Well, actually, what will happen is we'll get the assessment, we'll start the peer review process work, or schedule it, and then there will be some weeks in there, and we will have an opportunity to take a look at it then a little closer.

I think we have to move it right into the peer review process as soon as we can.

MR. AUGUSTINE: Yes, okay.

CHAIRMAN BECKWITH: Shall we jump into the schedule for Addendum 2? We are sort of already there. We've sort of already done that. Wow, I hadn't really seen this before. For some reason, I'm not getting all the faxes you send to me.

I just went right to the end here, and I'm looking at the final approval of Addendum 2, August 2000. I thought we were looking at the springtime and maybe at the spring meeting, but maybe you could walk us through this, Amy, and tell us why you laid it out this way?

MS. SCHICK: Sure. Again, this is just all tentative. I had originally done it no date and just a description of timeframes that different stages would take. Ernie had asked me to put some dates along with it, and I must say this timeline estimation is pretty middle of the road.

It could be done quicker, it could take more time, and a lot of it's going to depend on the stock assessment and the peer review and the amount of time it takes to get through those things, as well as other issues that are going on with the Commission, staff time and other species that we have to deal with there; also, other addendums and amendments that may be coming in the Year 2000.

So, it's also going to be a balance of staff time and the information available. So, I would say this is kind of a middle-of-the-road estimate on time. Assuming that the report is approved September 29th and 30th, the report should be completed within two weeks with any final edits and revisions.

So, that would take us through mid-October. Once the report is completed, we would have to overnight the report to the Peer Review Panel, and that has to be at least two weeks before we have the peer review meeting. For the peer review meeting, we need a minimum of six weeks following a report completion so we have enough time to make arrangements.

And again, this is an estimation. Basically, hotel arrangements and getting a panel assembled is going to take at least six weeks to get all that information together and notify the public.

So, the peer review meeting is estimated sometime early December. That is in light of the fact that the annual meeting is the first week of November, and you start getting into Thanksgiving holidays at the end of November, so that would push us into the beginning of December to have the peer review meeting.

The Board could review the Stock Assessment Report, as prepared by the Peer Review Panel, at the January Meeting Week, which is usually mid-January. By the end of January, the Technical Committee could evaluate the LCMT plans as they stand now, based on assessment results, and begin incorporating the panel recommendation to the extent possible, prior to the Addendum 2 process.

The LCMT's should meet to review their plans that they presented last fall and make further recommendations, based on the new assessments. Following that, the Lobster Board would review the LCMT proposals and the Technical Committee evaluation of those proposals, and begin discussing Addendum 2 sometime during the March Meeting Week.

Following that, the Lobster Board would have to approve a Public Hearing Document for Addendum 2 and public hearings would have to take place. It took about two months for the Addendum 1 process, from planning the meeting -- I had a month of meetings on the road, and then, you know, a week to compile that, or less; so basically two months to conduct the public hearings.

The Lobster Board would have to review the public comments, and then, again, have a meeting to approve the final Addendum 2. And, this is following the same structure that we used for Addendum 1. This is the type of meetings and the steps that we progressed through in Addendum 1.

So, there is some flexibility in timing and when meetings have to occur, but I just used that as a template. Are there any questions? Again, this is just a guideline of what's going to happen over the next year.

CHAIRMAN BECKWITH: We could probably force it like we were forced to do with striped bass earlier today and move things along a little quicker, but I think the bottom line here is we're not going to get this done earlier in the Year 2000; mid-year, if we're lucky.

MR. AUGUSTINE: There's no real emergency to get that done real early in the Year 2000?

CHAIRMAN BECKWITH: Well, that depends on where you are. The State of Rhode Island feels there's a certain emergency if they want to get their minimum size increase in place and --

MR. AUGUSTINE: Could we look at another possible change of dates after we get through with the stock assessment report and see how that moves along? And, if there is urgency and the state is going to be under the gun, so to speak, maybe we could look back at an earlier date; maybe May, June, or even in July. Would a month help that state?

CHAIRMAN BECKWITH: They had planned to put their gauge increase -- you can speak to it better than I can, but put it in place this September 1st, I believe. They've postponed it until July or June.

MR. ANGEL: That's correct. It's now been postponed until June 1st of this coming year. And, I think that -- the way that I understand it from here -- and we had a meeting, a special emergency meeting on this issue about two weeks ago, was it, and I'll go out on a limb a little bit and say that I think that we're going to go up on the gauge, regardless.

We had some strong concerns from our dealers that kind of forced us into postponing the gauge increase, because our industry was fully behind going up on the gauge, and I don't think that they want to see anymore delays.

CHAIRMAN BECKWITH: Okay, any comments on the schedule? I don't see the front end of this thing changing much at all until after the 1st of the year, but it's still going to be at least a year. Bruce.

MR. FREEMAN: I would indicate, Ernie, that it really depends on the Stock Assessment Report and the Peer Review. That's going to be critical. Once you know -- in fact, when this occurs, this timeline, the rest of it could fall into place.

But, it's very difficult to make modifications because those are critical elements that have to occur. So, I mean, this looks, so far as all the assumptions, looks very reasonable; and depending on, again, what happens to the Stock Assessment Report and the Peer Review, it could accelerate it or it could slow it down. To ask to make changes now, I think is really not going to help the process.

CHAIRMAN BECKWITH: No. Okay, I think that you had a couple items under other business.

MS. SCHICK: I just wanted to make one announcement to remind states that your

proposals for implementing Addendum 1 are due on October 1st. If we're planning on having a Board meeting around October 8th, it's really important that states get those in by the 1st so we can review all the proposals and present it to the Board at that meeting. So, please remember October 1st is the deadline and we'd appreciate timely reports being submitted.

CHAIRMAN BECKWITH: John?

MR. NELSON: Yes, just again clarification of -- you're not going to hold a joint meeting with striped bass, which will be on the 8th, and the following week is the Mid-Atlantic Council Activity. So, are you looking at probably the 3rd week of October for a Board meeting for the lobster?

MS. SCHICK: We'll have to work it out. One idea that we're thinking about is having it either the day before or the day after. The 8th is a Friday. I don't know what people's schedules are like for Thursday afternoon; beginning at noon, Lobster Board meeting and putting them back to back.

MR. COATES: The 7th? The same conflict that existed this morning still exists this afternoon, but I'll look into it.

MS. SCHICK: We'll work out the timing. If we can't do it together, from the Commission's standpoint, I think that it's easier for everyone to be at the same place at the same time, but we'll have to work on a timeline, and I'll work with Ernie.

CHAIRMAN BECKWITH: Okay, I think we're at the end of this. Any other business? Harry?

MR. MEARS: Mr. Chairman, for anyone who wants a copy, we have a copy of the news release, the Federal Register Notice and the letter to permit holders concerning the recent advisory of a potential control date. It'll be on the back table.

CHAIRMAN BECKWITH: Thank you, Harry, for mentioning that. Okay, if there's no other business, we will adjourn.

(Whereupon, the meeting was adjourned at 5:20 o'clock p.m., September 14, 1999.)

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