

Exhibit 5

**NEW YORK STATE
LOBSTER DISASTER RELIEF ASSISTANCE PROGRAM**

**Relief Assistance Application
for Option 4
Trap Tag Buy-Back**

Section A – Personal Information

(Print or type)

Full Legal Name:			Social Security No.:
Home Address:			
City/Town:	Zip Code:	County:	Phone: ()
Company Name (if applicable):			Federal ID No.:
Company Address (if different than above):			
City/Town:	Zip Code:	County:	Phone: ()
Make Check Payable to:			
Are you a NYS Commercially Licensed Lobster Harvester? •• Yes •• No			
NYS Resident Commercial Lobster License No.:			

Section B – Completion of Application

The application period for Option 4 only (trap tag buy-back) will remain open until August 31, 2001. Applications for Option 4 will not be processed until after the submittal deadline. At that time, applications will be processed in the priority order stated within this application, until funds have been exhausted.

If you are applying for (any of) Options 1 – 3, you should do so as soon as possible. Applications for Options 1 – 3 will be processed as received until all available funds are expended. Late returns may risk less than full compensation. ESD cannot guarantee that all applications will be funded. If you can complete this application for Option 4 at the same time, do so.

However, if you need to wait and apply to Option 4 at a later date in the summer, please submit an application for (any of) Options 1 – 3 now and retain the application for Option 4 to be completed and postmarked by the August 31, 2001 deadline.

Option 4 applications must be postmarked on or before August 31, 2001 to be eligible. Completed applications should be mailed to:

NYS Lobster Disaster Relief Assistance Program
Empire State Development
30 South Pearl Street
Albany, NY 12245

Applications submitted after the August 31, 2001 deadline or submitted without all required documentation will not be processed.

Any questions related to the completion of this application may be directed to 1/800-STATE-NY (1/800-782-8369) or emailed to lobsters@empire.state.ny.us. Option 4 applications will not be processed until the close of the August 31, 2001 deadline. At that time, applications will be processed according to the priority order described within.

Section C – Relief Assistance Options

New York State has \$4,866,667 allocated for disaster relief to the Long Island Sound lobster fishery. Under the terms of the federal appropriation only losses incurred in 1999, as compared to 1998 catch levels, are eligible for relief assistance. Losses incurred in 2000 are not eligible under this program. The relief assistance options include:

1. Compensation for lost income
2. Interest subsidy assistance
3. Training and technical assistance
4. Trap tag buy-back (fishery effort reduction)

All lobster disaster relief assistance is taxable and will be reported to the IRS as taxable income.

Eligibility criteria for Options 4 are described below. Eligibility criteria for Options 1, 2, and 3 are different and are described in a separate application. **Applicants may apply for ANY or ALL options.**

Eligibility Criteria for Option 4

Only NYS commercially licensed lobster harvesters are eligible for assistance under Option 4. If you are a harvester, you must meet one of the following criteria to apply. (Note: The eligibility criteria are different from the requirements for Options 1, 2, and 3.)

- Must sell at least 200 DEC allocated trap tags and document loss at one of the following levels:
 - 1999 loss equal to at least 50% of 1998 LIS lobster income and worth at least \$20,000
 - 1999 loss equal to at least 40% of 1998 LIS lobster income and worth at least \$20,000
 - 1999 loss equal to at least 30% of 1998 LIS lobster income and worth at least \$10,000
 - 1999 loss equal to at least 20% of 1998 LIS lobster income and worth at least \$5,000
- Must sell at least 500 DEC allocated trap tags and no 1999 loss is required.

Eligible tag allotments will be purchased as follows:

- Trap tags will be purchased at \$12.00 per tag for both active and latent tags.
- You must sell at least 200 tags and document loss as above, OR you must sell at least 500 tags without loss documentation.
- Tags above the 200 or 500 minimum levels will be purchased in blocks of 100, up to your full trap tag allotment.
- Once tags have been purchased, they will be removed permanently from the fishery and cannot be recovered at a later date. All trap tag purchases will be reported to DEC.

The trap tag buy-back fund is limited to \$1 million. Tags will be purchased in the following order. If interested in applying, check the appropriate level in which you qualify. (Use the worksheet below to determine which offer you qualify for):

- Harvesters with 1999 losses of 50% and \$20,000 – 200 tag minimum sale
 - Harvesters with 1999 losses of 40% and \$20,000 – 200 tag minimum sale
 - Harvesters with 1999 losses of 30% and \$10,000 – 200 tag minimum sale
 - Harvesters with 1999 losses of 20% and \$5,000 – 200 tag minimum sale
 - Harvester – no minimum loss required – 500 tag minimum sale
- All applicants under Option 4 are required to sign:
 - **Verification of Information – Your license status, lobster catches and trap tag allocation will be verified by DEC. You must sign here to authorize DEC to release this information to ESD. Failure to sign will result in disqualification of this application.**
I, _____, authorize DEC to release information to ESD to confirm my license status, lobster catches, and trap tag allocation for the purpose of assistance under the NYS Lobster Disaster Relief Assistance Program.
 - Applicants requesting priority for loss under Option 4 must also submit:
 - 1998 Federal Income Tax Return
 - 1999 Federal Income Tax Return

If you meet all of the eligibility criteria listed above, please check the box (•) next to Option 4 and complete the worksheets to calculate the compensation you may be eligible to receive. All calculations made in the worksheets are subject to review and adjustment. Under no circumstance do these worksheets imply final award of funds.

Applicants applying for Option 4 may also apply for any or all of Options 1 – 3, if eligible.

•• Option 4 – Trap Tag Buy-Back (Fishery Effort Reduction)

New York State has allocated \$1 million of the total relief assistance appropriation toward the reduction of fishing effort in the Long Island Sound lobster fishery. The objective is to promote the short-term recovery and long-term health of the fishery by reducing overall fishing effort.

To expedite the processing of your application and to calculate the compensation you may be eligible to receive, complete the following worksheets. (Note: If you have already completed an application for Option 1 – 3, you may refer to page 2 of that application to complete the following worksheet.

Only income earned from Long Island Sound (LIS) lobster-related business is eligible as gross income.

1998 gross LIS lobster income		\$
1999 gross LIS lobster income	- (subtract)	\$
total loss of income		\$

\$	••	\$	=	%
total loss of income		1998 gross LIS lobster income		percentage of lost income

total number of trap tags allocated by NYS DEC	tags
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	x	\$12.00	=	\$
number of trap tags you are selling (Note: Minimum buy-back of 200 or 500 tags. Additional tags must be sold in lots of 100, up to full trap tag allotment.)		buy-back value		total buy back award

Section D – Personal History

Answer the following questions. If you answer "yes" to any of the questions, provide an explanation in the space provided below.

1. Has the applicant ever been convicted of any felony or misdemeanor other than a minor traffic violation, or are any such charges pending? •• Yes •• No
2. Is the applicant delinquent on any New York State, federal or local tax obligation? •• Yes •• No
3. Has the applicant ever been cited for a violation of any federal, state or local law or regulation, including regulations promulgated by the New York State Department of Environmental Conservation? •• Yes •• No
4. Has the applicant ever defaulted on an obligation to the New York State Urban Development Corporation or any other agency or public benefit corporation of the State of New York? •• Yes •• No

If you answered "yes" to any of the above questions, provide an explanation below.

Section E – Notices

- According to Internal Revenue Code § 61 (a) payments that are made to replace lost income are "income" and held to be taxable income. **Therefore, all lobster disaster relief assistance is taxable and will be reported to the IRS as taxable income and you will receive 1099 forms for each year relief assistance funds are received.**
- Submit copies only of requested documents and retain originals. Copies become property of Empire State Development and will not be returned.
- Applications may not be considered without authorization from the applicant to verify license status, lobster catches, and trap tag allocation with DEC. If you have not signed the release on page 2, your application will not be processed.
- This application is a request for compensation and does not convey any award of funds.
- All calculations made in the worksheets are subject to review and adjustment. Under no circumstance do these worksheets imply final award of funds.
- You will be notified by mail of your awarded compensation.
- Empire State Development Corporation reserves the right to modify the requirements of this application and to require additional information from the applicant. Empire State Development Corporation, acting in its sole discretion, may reject any application that it deems incomplete, ineligible for assistance or inappropriate for funding. All award decisions are final.
- Empire State Development reserves the right to reallocate funds according to the need of relief assistance. Compensation for lost income will receive first priority.
- In the event the applicant has made any material misrepresentation in this application, in addition to any other remedies that the Empire State Development Corporation may have under law, the Corporation may require the applicant to repay any assistance provided hereunder together with interest and penalties, if applicable.
- Program funding is limited. Failure to respond promptly may result in insufficient funds to meet late requests.

Section F – Application Submittal Check List

The following documentation must accompany an application. Applications submitted without ALL of the following documentation will be deemed incomplete and not processed for relief assistance.

- Section A – Personal Information
- Section C – Relief Assistance Option 4 – Trap tag buy-back (fishery effort reduction)
 - Lost Income Worksheet (page 3)
 - All applicants under Option 4 must submit:
 - Signature on page 2 authorizing DEC to confirm license status, lobster catches, and trap tag allocation.
 - Applicants requesting priority for loss must also submit the following:
 - 1998 Federal Income Tax Return
 - 1999 Federal Income Tax Return
- Section D – Personal History
- Section G – Relief Assistance Certification and Notarization (page 6)

Completed applications should be mailed to:

NYS Lobster Disaster Relief Assistance Program
Empire State Development
30 South Pearl Street
Albany, NY 12245

Applications must be postmarked by August 31, 2001. Applications submitted after the August 31, 2001 deadline or submitted without all required documentation WILL NOT BE PROCESSED.

If you have any questions, call 1/800-STATE-NY (1/800-782-8369) or email lobsters@empire.state.ny.us.
Please allow six weeks for processing.

Section G – Relief Assistance Certification and Notarization

This certification must be completed to qualify for assistance. Failure to do so renders application incomplete and ineligible for compensation.

State of New York, County of _____

- I, _____, am a
 - NYS licensed lobster harvester;
 - NYS licensed crustacea wholesale dealer;
 - NYS lobster bait dealer; or
 - NYS lobster gear dealer.
- I am applying for relief under the NYS Lobster Disaster Relief Assistance Program (the Program), and certify that I have suffered the attached loss of income in 1999 as compared to 1998 due to the die-off of the Long Island Sound lobster fishery.
- I certify under penalty of perjury that the attached application is submitted without any fraudulent intent. I am the authorized individual eligible to make application for my income loss.
- I have read, accepted and agreed to abide by the terms of the regulations governing the NYS Lobster Disaster Relief Assistance Program, which are the subject of the attached application.
- I certify I was a NYS licensed lobster harvester, crustacea wholesale dealer, lobster bait dealer or lobster gear dealer at the time of, or prior to the Long Island Sound lobster disaster.
- I certify the above information is true and correct to the best of my knowledge, under penalty of perjury.

(Printed Applicant's Name)

(Date)

(Signature of Applicant)

State of New York

s.s.:

County of _____

On this ____ day of _____, 2001, before me, the undersigned, a Notary Public in and for said state, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that (s)he executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

NOTARY PUBLIC

NOTICE: FALSE STATEMENTS ARE PUNISHABLE AS A CLASS A MISDEMEANOR PURSUANT

TO THE NEW YORK STATE PENAL LAW.