

Exhibit 4

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

**Relief Assistance Application
for Options 1, 2 and 3**

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:			
Business Categories (check at least one):			
•• NYS Commercially Licensed Lobster Harvester		•• NYS Lobster Bait Dealer	
•• NYS Licensed Crustacea Wholesale Dealer		•• NYS Lobster Gear Dealer	
Food, Fish & Crustacea Shipper/Dealer License No.:			
NYS Resident Commercial Lobster License No.:			

Section B – Completion of Application

Applications for Options 1 – 3 will be processed in the order in which they are 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 your application is incomplete, you will be notified by mail to submit the required missing documentation. Your application will not be considered for compensation until all required documentation is received. Your application will enter the first-come, first served processing order when it is complete. Therefore, any delay in submitting requested documentation may result in funds no longer being available.

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 in the application, until funds have been exhausted. If you are applying for (any of) Options 1 – 3, you should do so as soon as possible. If you can complete the 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.

Completed applications should be mailed to: NYS Lobster Disaster Relief Assistance Program
Empire State Development
30 South Pearl Street
Albany, NY 12245

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. **Please allow 6 weeks for processing.**

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 1, 2, and 3 are the same and are described below. Eligibility criteria for Option 4 are different and are described in a separate application. **Eligible applicants may apply for ANY or ALL options.**

Eligibility Criteria for Options 1, 2, and 3

You must meet all of the following criteria to apply for any or all of Options 1, 2 and 3.

- You must be (check at least one):
 - NYS commercially licensed lobster harvester
 - NYS licensed food, fish, and crustacea wholesale dealer
 - NYS lobster bait dealer
 - NYS lobster gear dealer
- Fifty percent (50%) or more of your total 1998 gross income must be from Long Island Sound (LIS) lobster business.
- 1999 lost income from LIS lobster business must equal at least 20% of 1998 LIS lobster income, and at least \$5,000.
- Lost income must be documented with copies of the following. (Copies will **NOT** be returned. Do not send original documents.)
 - 1998 Federal Income Tax Return
 - 1999 Federal Income Tax Return
 - Transaction ledgers/spreadsheets summarizing business activity with NYS licensed harvesters (wholesale, bait and gear dealers)
- **Verification of Information – Your license status and lobster catches 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 and lobster catches for the purpose of assistance under the NYS Lobster Disaster Relief Assistance Program.

Use the appropriate worksheet on pages 2 – 3 to calculate your lost income.

•• NYS commercially licensed lobster harvesters' 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		\$	

If the **total loss of income** is less than \$5,000 you are not eligible for compensation.

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

If the **percentage of lost income** is less than 20 percent you are not eligible for compensation.

•• **NYS licensed food, fish and crustacea wholesale dealers' worksheet**

Only direct purchases from Long Island Sound (LIS) lobster harvesters qualify as gross income.

lbs.	-	lbs.	=	lbs.	x	\$.50	=	\$
1998 pounds of lobster purchased from LIS lobster harvesters		1999 pounds of lobster purchased from LIS lobster harvesters		pounds lost in 1999		profit margin		total loss of income

If the **total loss of income** is less than \$5,000 you are not eligible for compensation.

\$	••	\$	=	%
total loss of income		1998 LIS lobster harvest income (1998 pounds x \$.50)		percentage of lost income

If the **percentage of lost income** is less than 20 percent you are not eligible for compensation.

•• **NYS lobster bait dealers' worksheet**

Only direct sales to Long Island Sound (LIS) lobster harvesters qualify as gross income.

lbs.	-	lbs.	=	lbs.	x	\$.05	=	\$
1998 pounds of lobster bait sold to LIS lobster harvesters		1999 pounds of lobster bait sold to LIS lobster harvesters		pounds lost in 1999		profit margin		total loss of income

If the **total loss of income** is less than \$5,000 you are not eligible for compensation.

\$	••	\$	=	%
total loss of income		1998 LIS lobster bait income (1998 pounds x \$.05)		percentage of lost income

If the **percentage of lost income** is less than 20 percent you are not eligible for compensation.

•• **NYS lobster gear dealers' worksheet**

Only income earned from equipment sales to Long Island Sound (LIS) harvesters is eligible as gross income.

1998 gross income from equipment sales to LIS lobster harvesters	\$
1999 gross income from equipment sales to LIS lobster harvesters	- (subtract) \$
total loss of income	\$

If the **total loss of income** is less than \$5,000 you are not eligible for compensation.

\$	••	\$	=	%
total loss of income		1998 gross income from equipment sales to LIS lobster harvesters		percentage of lost income

If the **percentage of lost income** is less than 20 percent you are not eligible for compensation.

If you meet all of the eligibility criteria listed above, please check the box (•) next to each option for which you are applying 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 may apply for all three options, if eligible.

•• Option 1 – Compensation for Lost Income

New York State has allocated \$3,016,667 of the total relief assistance appropriation toward direct compensation for lost income.

Eligible losses will be compensated at the following levels:

- If 1999 loss for LIS lobster income is at least 30% of 1998 LIS lobster income, compensation will be 75% of loss.
- If 1999 loss for LIS lobster income is at least 20%, but less than 30% of 1998 LIS lobster income, compensation will be 50% of loss.
- 1999 LIS lobster loss must be at least 20% and equivalent to at least \$5,000 to qualify for compensation.
- Compensation awards will be capped at \$50,000 per applicant.

To expedite the processing of your application and to calculate the compensation you may be eligible to receive, complete the following worksheets.

If the **percentage of lost income** (from page 2 or 3) is 30% or more, calculate as follows:

\$	x	.75	=	\$
total loss of income		compensation rate		total compensation award (not to exceed \$50,000)

If the **percentage of lost income** is equal to or greater than 20%, but less than 30%, calculate as follows:

\$	x	.50	=	\$
total loss of income		compensation rate		total compensation award (not to exceed \$50,000)

Losses in 1999 LIS lobster income of less than 20% of 1998 LIS lobster income do not qualify for compensation.

•• Option 2 – Interest Subsidy Assistance

New York State has allocated \$500,000 of the total relief funds toward interest subsidy assistance. Interest subsidy assistance awards will lower the cost of interest on existing loans. Awards will reduce interest costs on existing debt by 3% of the current interest rate per year for five years or the life of the loan, whichever comes first. Interest subsidy awards will be paid quarterly and will not exceed \$10,000 per total award.

In addition to the eligibility criteria and required documentation listed on page 2, all applicants applying for Option 2 must submit:

- A copy of their executed loan agreement
- Payment Requisition and Certification Form (page 6)

The following loans are eligible:

- Lobster-related business loans for equipment or working capital (no date limit on origination)
- Home mortgages refinanced in 1999 or later
- Debt consolidation loans originated in 1999 or later
- Home equity loans refinanced in 1999 or later
- Commercial vehicle loans/leases
- Capitalized equipment leases

The following loans are not eligible:

- Debt consolidation and home equity loans originated before 1999
- Home mortgages refinanced before 1999
- Revolving credit loans
- Personal vehicle loans

To expedite the processing of your application and to calculate the interest subsidy assistance you may be eligible to receive, complete the following worksheet.

\$	x	.03	=	\$	x	=	\$
principal balance as of April 1, 2001		interest subsidy reduction		annual* interest subsidy award		number of years (5 years or life of loan, whichever is less)	total interest subsidy award (not to exceed \$10,000)

If **total interest subsidy award** exceeds \$10,000, calculate quarterly awards as follows:

\$10,000	••	=	\$
total interest subsidy award		number of quarters remaining on loan (maximum of 20 quarters for 5 years)	quarterly award

If **total interest subsidy award** is less than \$10,000 calculate quarterly awards as follows:

\$	••	4	=	\$
annual* interest subsidy award		quarters for first year		quarterly award

Payment Requisition and Certification Form for Interest Subsidy Agreements

Quarterly interest subsidy awards will be made based on Empire State Development Corporation's (ESDC's) fiscal quarters. Eligible applicants will receive their first quarterly payment when they receive their loss compensation award. Subsequent payments will be processed according to the following payment schedule.

ESDC's Fiscal Quarters	Submission Date for the Payment Certification Form	ESDC's Payment Date (on or about)
January 1 – March 31	April 15	April 30
April 1 – June 30	July 15	July 31
July 1 – September 30	October 15	October 31
October 1 – December 31	January 15	January 31

This form must be completed and submitted with this application. If you are awarded an interest subsidy, a newly completed form will be required prior to each quarterly disbursement. Additional forms will be provided when you receive your initial award payment.

Complete the following information. Failure to do so renders your application incomplete and ineligible for compensation.

Applicant: _____

Lender: _____

Original Loan Amount: _____

Loan Balance: _____ As of: _____

Certification

I hereby warrant and represent to the Empire State Development Corporation ("ESDC"):

1. I am the grantee and loan holder of the said loan.
2. The loan referenced above remains in full force and effect and the loan balance set forth above is the remaining balance due and owing on the loan as of the date of this certification.
3. To the best of my knowledge, I am in compliance with the terms and conditions of the application for the New York State Lobster Disaster Relief Assistance Program.

Signature

Date

Print Name

that meet your interests become available.

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 and lobster catches 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
- Lost Income Worksheets (pages 2-3)
- Loss Documentation
 - 1998 Federal Income Tax Return
 - 1999 Federal Income Tax Return
 - Transaction ledgers/spreadsheets summarizing business activity with NYS licensed harvesters (wholesale, bait and gear dealers)
 - Signature on page 2 authorizing DEC to confirm license status and lobster catches.
- Section C – Relief Assistance Options (any one or up to all three options, depending on eligibility)
 - Option 2 only (in addition to the loss documentation)
 - A copy of the executed loan agreement
 - Payment Requisition and Certification Form (page 6)
 - Option 3 – training reimbursement requests only (in addition to the loss documentation)
 - Course description
 - Course syllabus
 - Description of how the training furthered your development of a career outside lobstering
 - Name of training facility or organization
 - Cost of training
 - Proof of completion (i.e., certificate of completion or official notice of final grade)
 - Proof of payment (i.e., paid invoice or cancelled check)
- Section D – Personal History
- Section G – Relief Assistance Certification and Notarization (page 10)

Completed applications should be mailed to: NYS Lobster Disaster Relief Assistance Program
Empire State Development
30 South Pearl Street
Albany, NY 12245

Applications 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.