

**DMR ADVISORY COUNCIL MEETING**  
**Natural Resource Service Center**  
**February 11, 2008 1:00 p.m.**  
**DRAFT Minutes**

A meeting of the Department of Marine Resources' (DMR) Advisory Council (AC) was held on this date at the Natural Resource Service Center, 6 Beech Street, Hallowell, Maine. AC members attending this meeting included **David Pecci (Vice Chair), Jim Wadsworth, Glen Libby, Bob Baines, Al West, Fiona DeKoning, George Harris, Jr., and Tim Harper**. Council members Dana Rice, Rod Mitchell, Timothy Kief, Dana Temple, and Vincent Balzano were unable to attend. Department staff included Commissioner George Lapointe, Colonel Joe Fessenden, Sarah Cotnoir, Linda Mercer, and L. Churchill.

**1. Welcome**

The Vice Chair called the meeting to order just past 1:00pm.

**2. Approval of minutes** (see handout)

**Motion:** (B. Baines, A. West) *Motion to approve the minutes of the meeting held November 19, 2008.*

Discussion: None

**Motion continued:** *Unanimous to approve*

**3. Regulations - Action (voting)** (see handouts)

**Chapter 45.05(1)(A)(2) Shrimp Season, 2008– 2009**

Commissioner Lapointe reviewed the rulemaking action; trying a 180-day season this year, there are lots of shrimp but no market.

**Motion:** (A. West, G. Libby) *Motion to approve the rulemaking in Chapter 45.*

Discussion: none

**Motion continued:** *Unanimous to approve*

**Chapter 75.02(A) Trap/Pot Fisheries Gear Restrictions**

Sarah Cotnoir, Area Coordinator, reviewed the rulemaking. This would put Maine in compliance with sinking ground line rules; two terms became one term instead; it folds in other trap / pot fisheries for float rope at the surface and no wet storage over 30 days. There were no comments or hearing attendees.

**Motion:** (B. Baines, A. West) *Motion to approve the rulemaking in Chapter 75.*

Discussion: B. Baines: The industry was well aware of this. Rumor has it that folks aren't going to comply, which is not news to Marine Patrol or the Commissioner.

**Motion continued:** *Unanimous to approve*

**4. Other Business**

**Emergency regulations: Atlantic Sea Scallop Limitations, Closed Areas**

Comm. Lapointe reviewed the history of the emergency rule. He had heard from many folks that we shouldn't have the second half of the season. We switched to applying the closed areas instead. There was a meeting with the Governor and industry members a week ago Friday. In his opinion the resource is in terrible condition. Then the Department met with the Scallop Advisory Council on Feb. 13<sup>th</sup>. Alternatives were sought that would have a conservation equivalency. Downeast ideas included opening the bold coast between Cutler and Jonesport. This is all controversial. Comm. Lapointe however is convinced by the status of the resource and raking over sub-legal scallops warrants this action. A meeting was also held with the Governor and industry members. Future time tables were discussed; enhancement possibilities; negative impact from Holtrachem on Penobscot Bay; recruitment biology; and comparisons to the George's Bank fishery.

## **Nomination Committee for 2009 election of officers**

The Council members discussed and agreed to put forth the same slate of officers from 2008.

**Motion:** (B. Baines, G. Libby) Motion to approve the following slate of officers for 2009: Chair: Dana Rice; Vice Chair David Pecci; Secretary Al West.

Discussion: None

**Motion continued:** Unanimous to approve

## **Annual Research Agenda**

Linda Mercer, Bureau Director, Resource Management reviewed the report. On page 22 the research needs were expanded this year. Several questions were asked about funding, budget cuts, federal monies, and the inshore trawl survey monies have also been cut; and what amount of the budget is spent by fishery was requested. If members have any comments please get them to Linda asap.

## **ASMFC & NEFMC Updates**

Comm. Lapointe reviewed recent council actions. ASMFC, lobster Amendment 12 was approved; the peer reviewed lobster assessment is due in May; River herring is a concern for Maine as there is a coastwide moratorium being proposed; Striped bass were missing from northern waters in 2008 and is being reviewed.

D. Pecci explained there is a huge concern as Maine, NH and Massachusetts had a complete lack of SB last season. Thank Pat Keliher and Terry Stockwell for creating an action plan. That forced the issue to help us on this at ASMFC. We have no idea why they were off; very scarce south of Cape Cod. Below there was not so bad. Preliminary data shows they could be down in each state universally. We are north of the migratory route. It was a 60% reduction. My catch was off 80% and trips down 40%. Maine was off 60% last season. Our voice is however being heard in Virginia. Watch for Bruce Joule's log book data when it comes out.

Comm. Lapointe continued: Atlantic herring NEFMC is working on amendment 4 and monitoring; ASMFC is working on better options for days out this year given that the gentlemen's agreements don't work; the specifications for the next 3 years are to be set soon; don't anticipate a big jump in the quota.

A. West: As a member of the herring advisory group we felt they should leave some tools in the toolbox such as if the specifications increase and we don't have rules to fix problems. Therefore we need the flexibility. Weekly reporting is a possibility.

Comm. Lapointe continued with a description of the groundfish discussion yesterday in Portsmouth. There are three actions now taking place: about sectors, the open group does not want sectors; NMFS and the GOM 2 for 1 counting; and when George's Bank was closed boats came into the GOM and we're stilling recovering. Framework 42 held up by the court. Folks may have used leasing to get by but now they can't plan for next year and has turned groundfish on its head. An alternative would be amendment 16 provisions for a general pool... Limited access program types like consolidation but no one trusts the system to let go of what little they have because they may not have something on the other side.

A big change with some NGO's is permit banking, which takes it out of private ownership. Still with no federal rule in place to guarantee, it is risky as those permits may not be safe.

In GARM 2 white hake was cut by 70%; winter flounder are not overfished and now both are reversed. We now have 19 species yet the lowest denominator is driving this. Need to change the whole system.

## **Legislature - updates**

Comm. Lapointe: Issues include budget, shellfish license fee increases, lobster license holders over 65 that previously held a license would not have to complete the apprentice program; increase in penalties for violations; owner operator law – tighten; and scallop fines.

## **Budget, consolidation**

Comm. Lapointe: updated the council of pending bills.

## **Ocean Energy Taskforce Update**

Comm. Lapointe described various scenarios presented to date. Brief discussion.

## **Other Updates**

**Large Whale Take Reduction Plan** – enforcement discussed as to what will happen when April 5 rolls around. To date it is only groundline. End lines are next.

Upcoming rulemakings discussed.

***Motion:*** (A. West, G. Libby) *Motion to close the meeting.*

Discussion: None

***Motion continued:*** *Unanimous to approve*