

DMR ADVISORY COUNCIL MEETING
Natural Resource Service Center
April 15, 2009 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 **Dana Rice (Chair), David Pecci, Bob Baines, Rod Mitchell, Dana Temple, Al West, Glen Libby, and Bill Sutter (new Sea Urchin Zone Council chair)**. Council members Vincent Balzano, Fiona DeKoning, George Harris, Jr., and Tim Harper were unable to attend. Department staff included Commissioner George Lapointe, Colonel Joe Fessenden, Sarah Cotnoir, Linda Mercer, and L. Churchill.

1. Welcome

The Chair called the meeting to order at 1:20pm.

2. Approval of minutes (see handout)

Motion: (B. Baines, A. West) Motion to approve the minutes of the meeting held February 11, 2009.

Discussion: None

Motion continued: Unanimous to approve

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

Chapter 2 Aquaculture Lease Regulations - updates to Lease and LPA licenses throughout the chapter
Diantha Robinson, Aquaculture Administrator, reviewed the rulemaking, which includes technical amendments, rental fee changes for bottom aquaculture of mussels for two year, the addition of sea scallops to the species list for LPA license holders, and rules pertaining to lease site workers. Commissioner Lapointe explained that the LPA allows folks to tinker or check an area without going through the entire lease application process.

Motion: (R. Mitchell, A. West) Motion to approve the rulemaking in Chapter 2.

Discussion: none

Motion continued: Unanimous to approve (Dana Rice, David Pecci, Bob Baines, Rod Mitchell, Dana Temple, Al West, Glen Libby)

Chapter 13 Whelks

Darcie Couture, Biotoxin Monitoring Program, gave a brief review of the rulemaking.

Motion: (R. Mitchell, G. Libby) Motion to approve the rulemaking in Chapter 13.

Discussion: none

Motion continued: Unanimous to approve (Dana Rice, David Pecci, Bob Baines, Rod Mitchell, Dana Temple, Al West, Glen Libby)

Chapter 25.08(F) Lobster Trap Tag System, Special Circumstances Permit

Col. Joe Fessenden explained that it was necessary to have the special circumstances in a written permit to document what we've already been doing verbally.

Motion: (B. Baines, A. West) Motion to approve the rulemaking in Chapter 25.

Discussion: Col. Fessenden responded to questions pertaining to family situations, described double tagging when there is a medical situation, etc.

B. Baines: There have been reports of family members double tagging for landings documentation abuses such that persons might qualify for a license when they didn't actually fish.

Motion continued: Unanimous to approve (Dana Rice, David Pecci, Bob Baines, Rod Mitchell, Dana Temple, Al West, Glen Libby, Bill Sutter)

Chapter 49 - Shellfish Bait Permit Regulations

Col. Joe Fessenden explained that the existing regulations did not allow bait dealers to sell shellfish as bait and this rule would correct this. Recreational fishing bait is significant in places such as Cabella's, L. L. Bean, Kittery Trading Post, etc.

Motion: (D. Pecci, R. Mitchell) Motion to approve the rulemaking in Chapter 49.

Discussion: none

Motion continued: Unanimous to approve (Dana Rice, David Pecci, Bob Baines, Rod Mitchell, Dana Temple, Al West, Glen Libby, Bill Sutter)

Chapter 90.02(C) Conservation Areas, Lincoln County, Wiscasset – boundary clarification

Col. Joe Fessenden described the history behind the conservation area; it has ongoing research and had enforcement problems due to an inconsistency in the way it was written.

B. Sutter asked if this makes it bigger and if there would be problems with the new sewer main that runs through this area. Commissioner Lapointe said no. [Technically the conservation area is not enlarged based on the physical descriptions in the existing and proposed rulemaking, read handout.]

Motion: (A. West, D. Pecci) Motion to approve the rulemaking in Chapter 90.

Discussion: none

Motion continued: Unanimous to approve (Dana Rice, David Pecci, Bob Baines, Rod Mitchell, Dana Temple, Al West, Glen Libby, Bill Sutter)

4. Other Business

ASMFC & NEFMC Updates

Terry Stockwell reported on New England Fisheries Management Council meetings that took place last week in Mystic, Connecticut. Topics covers: new NOAA chief, groundfish sector management, herring having 100% observer coverage required, and meeting in Portland in June on herring. On Atlantic States Marine Fisheries council activities: next meeting is the first week in May in Alexandria, Virginia, will vote on river herring, winter flounder board will meet on southern New England problems, the lobster board will vote on limited entry, the striped bass board will be pushed for a higher commercial quota, and the next meeting is May 21 for herring to set days out for 2009.

B. Baines asked about skate. T. Stockwell: the new amendment 3 is just out and the primary goal is on catch limits and the stock assessment; and they lowered the TAC to 60% less than previous years.

B. Sutter asked about impact to multispecies fishing permits and what will be used for bait if there's no herring. T. Stockwell: There is a buffer account for by catch from other fisheries; an alternative to herring could be menhaden.

D. Pecci: Striped bass need all the help we can get. Even though the MERFS data shows a reduction in all states, the data has been ignored by the council. We should wait a year and for the stock assessment to determine if this is a blimp or real. Massachusetts usually fills their quota in a few weeks but is only 28% of the quota. Recreational represents 62%. Maryland is down 40% and is the nursery area for this species.

T. Stockwell: There has been a virus in Chesapeake Bay impacting striped bass and will be looking for the new stock assessment due next year. There is a new interspecies committee being formed by the ASMFC to coordinate various fisheries management plans; herring and whiting would be put together.

D. Pecci: to B. Baines question on what he suggests, put the brakes on to see if this is a blip or trend...just don't liberalize anything yet they want a 10-15% increase in the commercial fishery.

R. Mitchell: There is pressure from restaurants because of them lowering their prices in this economic downturn.

Legislature - updates

Commissioner Lapointe: On the public health program the FDA has threatened to shut Maine down unless we increase staff in accordance with the Peer Review last year. LD1399 will take this up on Friday with a mix of funding sources including sewer districts and fees for services not previously charged.

Other bills include medical exemptions, and the salt water fishing license.

Budget, consolidation

Commissioner Lapointe: The budget is not finalized yet, as the mechanisms for funding public health are not finalized yet pending LD1399. The consensus review forecasting committee indicates revenues are down 10% and their next report is due out May 1.

Consolidation: there are now 3 bills, IF&W with DMR (Rep. Watson); placing aquaculture in to the Department of Agriculture (Rep. Pieh); and consolidation of all 4 agencies.

Other Updates

D. Pecci: Status of pelagic license? Comm. Lapointe: Still with the Governor's office.

Commissioner Lapointe: The lobster Task Force met last week. The primary question was how to improve this year. ...What are the Canadian's doing? Shipping lobsters directly to New York City. Lobsters are a luxury product and spending on them has slowed down. The largest demand is from cruise ships and restaurants.

The Ocean Energy Task Force status was discussed

T. Stockwell: The Atlantic Large Whale Take Reduction Team met in Rhode Island recently; they discussed end lines, started on the rules. This will take about 5 years. They won't meet for another year. There is no funding this time.

Ghost trap clean up articles in the newspaper. Folks are seeking funding through the stimulus package for this. There is 2.3 million available for 20 sites and 2.8 billion worth of projects were submitted. It an issue no one wants to talk about but people are concerned about, and want to see, find the extent and address it.

L. Churchill reviewed pending and upcoming rulemakings in finfish health, recreational rules for groundfish, periwinkles, re-packing for certified dealers, smelts, pogies, seaweed, dragged crab and sea urchin season for 09-10.

Comm. Lapointe: In a preliminary report there were 67.4 million pounds of lobster landed valued at \$235.6 million. While the harvest was up by about 4 million pounds from 2007, the value of the catch fell \$49.7 million due to the economic down turn.

D. Temple provided an update on the scallop areas meetings currently taking place. Brief discussion.

Motion: (D. Pecci, D. Temple) *Motion to close the meeting.*

Discussion: None

Motion continued: *Unanimous to approve*