

DMR ADVISORY COUNCIL MEETING
Natural Resource Service Center
July 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), Al West, Dana Temple, Glen Libby, Bob Baines, Tim Harper, Jim Markos (new member) and David Pecci.** Council members Vincent Balzano, George Harris, Jr., Rod Mitchell, Bill Sutter (new member as Sea Urchin Zone Council chair) and Ginny Olsen (new member as Shellfish Advisory Council chair) were unable to attend. Department staff included Commissioner George Lapointe, Colonel Joe Fessenden, Linda Mercer, Marcy Nelson, Margaret Hunter, Bruce Chamberlain, Pete Thayer and L. Churchill. Members from the public included John Frazier, Jesse Frazier, and Dan Riley (CCA).

1. Welcome

The meeting was called to order at 1:10 pm by the Chair, Dana Rice who requested a round of introductions. Jim Markos was introduced and welcomed as the newest member.

An announcement was made regarding the directive by the Attorney General's Office that no comments are allowed from the public when members are voting on rulemaking as the comment period has closed.

2. Approval of minutes (see handout)

Motion: (B. Baines, D. Temple) Motion to approve the minutes of the meeting held July 15, 2009.

Discussion: None

Motion continued:

Affirmative: Dana Rice, Al West, Dana Temple, Glen Libby, Bob Baines, Tim Harper and David Pecci

Abstained: Jim Markos

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

Chapter 24 Importation of Live Marine Organisms

Marcy Nelson reviewed the background and history of these regulations.

Motion: (A. West, B. Baines) Motion to approve the rulemaking in Chapter 24.

Discussion: none

Motion continued: Unanimous to approve (Dana Rice, Al West, Dana Temple, Glen Libby, Bob Baines, Tim Harper, David Pecci and Jim Markos)

Chapter 34(1)(B)(2) Groundfish Management Plan, Recreational - size, possession and gear restrictions

Col. Fessenden reviewed the regulations.

Motion: (D. Pecci, A. West) Motion to approve the rulemaking in Chapter 34.

Discussion: none

Motion continued: Unanimous to approve (Dana Rice, Al West, Dana Temple, Glen Libby, Bob Baines, Tim Harper, David Pecci and Jim Markos)

Chapter 17 & 15 Repacking added to Shucker-Packer rules

Bruce Chamberlain reviewed the background of these regulations that will add repacking activity to the shellfish dealer activities. It will also allow them to repack frozen packages. Traceability requires the dates to be carried forward on new packages.

Motion: (J. Markos, B. Baines) Motion to approve the rulemaking in Chapters 17 & 15.

Discussion: none

Motion continued: Unanimous to approve (Dana Rice, Al West, Dana Temple, Glen Libby, Bob Baines, Tim Harper, David Pecci and Jim Markos)

Chapters 11 Scallops, 12 Mussels, and 25 Lobster and Crab

L. Churchill reviewed the technical corrections and updates in these chapters.

Motion: (D. Pecci, A. West) Motion to approve the rulemaking in Chapters 11, 12 & 25.

Discussion: none

Motion continued: Unanimous to approve (Dana Rice, Al West, Dana Temple, Glen Libby, Bob Baines, Tim Harper, David Pecci and Jim Markos)

Chapter 26.07(1) & (2) Sea Urchin Harvesting Season 2009-2010 – Zones 1 & 2

Margaret Hunter reviewed the rulemaking background; explained a non-substantive change regarding the date by which Zone 1 draggers would select their season; the Department went with the season as discussed with the Sea Urchin Zone Council; and answered questions regarding the season overlap and market issues.

Motion: (D. Temple, D. Pecci) Motion to approve the rulemaking in Chapter 26.

Discussion: none

Motion continued: Unanimous to approve (Dana Rice, Al West, Dana Temple, Glen Libby, Bob Baines, Tim Harper, David Pecci and Jim Markos)

Chapter 13.20 Periwinkle rules

Pete Thayer provided the back ground and history of the rulemaking. Col. Fessenden explained that the minimum size was also necessary in order to enforce the rule of not dumping culls shoreside.

Motion: (B. Baines, T. Harper) Motion to approve the rulemaking in Chapter 13.

Discussion: none

Motion continued: Unanimous to approve (Dana Rice, Al West, Dana Temple, Glen Libby, Bob Baines, Tim Harper, David Pecci and Jim Markos)

Chapter 41.05 Territorial Waters Trawl Prohibition

Col. Fessenden explained the need for consistency of the gear with the presence of and the concern about mid-water trawling of menhaden.

Motion: (D. Pecci, A. West) Motion to approve the rulemaking in Chapter 41.

Discussion: none

Motion continued: Unanimous to approve (Dana Rice, Al West, Dana Temple, Glen Libby, Bob Baines, Tim Harper, David Pecci and Jim Markos)

Chapter 55.90 Menhaden Pilot Program

Col. Fessenden reviewed the background and legislative attempt to limit bait fishing within 2 miles of the 3 mile limit. This proposed legislation became a resolve to address the issue by rulemaking instead.

D. Pecci described meetings with the Captains Association and purse seiners since last October with the Department and although not perfect all parties came to the same table to develop this pilot program to leave 25-30% of the bait/forage fish behind. A brief discussion followed indicating this is a good model, might also be good for herring in the future and no one at the table wanted to disrupt the flow of baitfish to the lobster industry.

A. West noted that many boats have multiple holds therefore this might be a way to monitor offloading of herring.

Motion: (A. West, D. Pecci) Motion to approve the rulemaking in Chapter 55.

Discussion: none

Motion continued: Unanimous to approve (Dana Rice, Al West, Dana Temple, Glen Libby, Bob Baines, Tim Harper, David Pecci and Jim Markos)

Chapter 25.45 Dragged Crab as Bycatch

L. Churchill reviewed the rulemaking and noted there are plans to revisit this with biological limits

B. Baines noted there was a little apprehension on this issue with the MLA and LAC possibly crossing a line but ok to let it go since it has a sunset [in 2012].

Motion: (B. Baines, J. Markos) Motion to approve the rulemaking in Chapter 25.

Discussion: none

Motion continued: Unanimous to approve (Dana Rice, Al West, Dana Temple, Glen Libby, Bob Baines, Tim Harper, David Pecci and Jim Markos)

4. Other Business

ASMFC & NEFMC Updates

Commissioner Lapointe gave a brief run down on ASMFC meeting activities coming up the week of August 18th that includes River herring issues and herring days out.

Al West asked a question for future discussion on how many landing days would the catcher boat have used in the menhaden pilot program. D. Rice noted that the representatives on the herring section committee and council will require a lot of attention. This was followed by a brief discussion regarding the TAC for 2010.

NEMFC recent activities include Amendment 16, GARM 3 results, 19 sectors were approved, a hard TAC, vessels not in sectors will be in the common pool that will have a 2:1 counting of the DAS; and herring monitoring due to accusations of massive discarding and by catch.

Other Updates

Commissioner Lapointe: As of yesterday the red tide has closed much of the Maine coast. Maine's Congressional delegation has requested financial help as this is worse than 2005. NMFS has offered to survey offshore but they need to look at Maine's coast versus southern New England only.

Legislature

Commissioner Lapointe discussed budget issues; a comprehensive bill on lobster violations; the rockweed bill; recreational fishing license; lobster limited entry bill; and changes to the aquaculture statutes.

Regarding offshore wind energy development Maine is the most oil dependent state in the nation at 80%. There will be up to 5 test sites selected by December 15 with 2 towers to be tested along the coast in state waters; brief discussion.

Thank-you to Dana Rice! This is his last meeting.

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

Discussion: None

Motion continued: *Unanimous to approve*