

DMR ADVISORY COUNCIL MEETING
Natural Resource Service Center
June 16, 2010 1:00 p.m.
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 **Al West (Chair)**, **Glen Libby (Vice Chair)**, Vincent Balzano, **Sean Mahoney**, **Bill Sutter**, **Bob Baines**, **Dana Temple**, and **Jim Markos, Jr.** Council members Dave Pecci (Secretary), Rod Mitchell, Ginny Olsen, Tim Harper, and George Harris, Jr., were unable to attend. Department staff included Commissioner George Lapointe, Col. Joe Fessenden, Deirdre Gilbert and L. Churchill.

1. Welcome

The meeting was called to order shortly after 1:00 pm by the Chair, Al West welcomed the Advisory Council members.

2. Approval of minutes (see handout)

Motion: (B. Baines, D. Temple) Motion to approve the minutes of the meeting held April 1, 2010.

Discussion: None

Motion continued: Unanimous to approve (Al West, Glen Libby, Vincent Balzano, Sean Mahoney, Bill Sutter, Bob Baines, Dana Temple, and Jim Markos, Jr.)

3. Regulations - Action (voting) (handouts)

Chapter 6 Lobster Processing

Col. Fessenden reviewed the background and explained that the recent legislature was approached for marketing reasons through the Lobster Task Force recommendations to allow the processors to sell items such as cocktail claws or split tails. Prior to this it wouldn't have been allowed.

Enforcement's greatest concern is the enforcement of "legal" size product and record keeping for traceability. Otherwise this should open markets for Maine's processors.

A. West: Number of processors?

J. Fessenden: Three now (Shucks of Maine, Portland Shellfish and Cozy Harbor).

B. Sutter: The potential is there; the large processors need what?

J. Fessenden: HAACP certification, must meet state and federal sanitation regulations and food safety regulations. They need to be using only legal lobsters. We don't want to see claws being sold out the back door but most of those interested are in this for the long run.

Comm. Lapointe: The biggest impediment is the take of undersize. In the legislature's discussions the fee was requested to be increased by the industry to keep the bad guys out. It is a benefit to the processors to process this way.

B. Baines: This is a good thing.

A. West: The HAACP and food safety issues are the toughest part to do this.

Motion: (B. Baines, V. Balzano) Motion to approve the proposed rulemaking for Chapter 6 Lobster Processing.

Discussion: none

Motion continued: Unanimous to approve (Al West, Glen Libby, Vincent Balzano, Sean Mahoney, Bill Sutter, Bob Baines, Dana Temple, and Jim Markos, Jr.)

Chapter 55.90 Menhaden Pilot Program

Col. Fessenden reviewed the rulemaking history from last year when this started. Harvesters were taking bait fish from recreational fishing areas so the pilot project came about to restrict the take so as to leave some behind. This simply extends the program by 2 years. A separate rulemaking is in progress to expand the areas to state wide requested by fishermen who was more controls on this fishery.

B. Sutter: This limits the catcher vessel?

V. Balzano: Area A has harvester vessel limits.

...short discussion on regulation interpretation. There is concern that the 250,000lb limit in Area A should be applied coast wide. The Rhode Island example was described.

Col. Fessenden: This rule is only about extending the program by 2 years.

Motion: (V. Balzano, B. Baines) Motion to approve the proposed rulemaking for Chapter 55.90 Menhaden Pilot Program.

Discussion: none

Motion continued: Unanimous to approve (Al West, Glen Libby, Vincent Balzano, Sean Mahoney, Bill Sutter, Bob Baines, Dana Temple, and Jim Markos, Jr.)

4. Other Business

Copies of the current rulemaking for Chapter 55.90 to 41.30 for changes to the menhaden pilot program were handed out. A discussion of the proposed rule took place. Topics included enforcement issues, the new pelagic license, reporting, displaced herring boats, mackerel, etc.

ASMFC & NEFMC Updates

Comm. Lapointe: The NEFMC meets next week (June 22 – 24) in Portland. NMFS will discuss Amendment 16 Wednesday evening and folks are encouraged to attend this meeting.

ASMFC approved the Addendum to the striped bass plan for a coast wide quota. Maine opposed this. Assess is good but availability is down.

ASMFC approved the River Herring plan. We now need to determine if the rivers are sustainable. Coast wide the numbers are down but Maine's are generally ok.

Comm. Lapointe is now chair of the menhaden board. This fishery is close to being overfished in the last assessment. The plan doesn't include the use of forage fish. The Gulf oil spill was discussed. Persons frequently ask if Maine will have an impact from this spill. There is twice as much production of menhaden for fish meal oil in the Gulf compared to the East Coast (150 metric? tons). The processing plants in the Gulf are all closed so we could get into an overfished stock quickly. There are available plants. The menhaden stocks would be regulated through the ASMFC.

Col. Fessenden: There is an over supply of bait right now.

ASMFC continued: The lobster technical committee recommended the lobster fishery be close for 5 years south of Cap Cod because the population has tanked over the past 4-5 years. The adult recruitment is too low to sustain the population. Such low recruitments mean they need to stop fishing. Regarding Maine, there is talk that the NE fishermen are doing this for our markets.

V. Balzano: How does that affect the fishermen?

Comm. Lapointe: Since this is under the ASMFC they can't shift areas for that reason.

Discussion continued on buying permits, shifting areas, where folks fish, measures put in place to slow down effort in Area 1A, debate on how far along the coast folks would fish, Kittery to Monhegan, including Casco Bay, documentation history, can't convert from Area 2 to 1A, reporting or lack of reporting, etc.

Legislature & Other Updates

Portland Fish exchange status was discussed. They are in financial straights.

Maine and the Gulf oil spill: Maine is at low risk. There is more concern about species along the entire east coast like eels that migrate to the Sargasso Sea; watching for now.

S. Mahoney discussed relief wells in Canada and if they blew out Maine would be impacted.

Comm. Lapointe: Canada has said that they have good oversight.

Budget: It was assumed federal Medicaid funds would be appropriated and they were not so there is another shortfall. To be continued.

In the shellfish program review the message from FDA was that DMR needed 3 more staff. The funding scheme used to support these positions was based on the pre collapse of the market so those funds are short. The Shellfish Advisory Council will be discussing how to replace those funds.

As of July 12th the Atlantic Salmon Commission will be eliminated.

Motion: (B. Baines, G. Libby) Motion to close the meeting.

Discussion: None

Motion continued: Unanimous to approve