

**DMR ADVISORY COUNCIL MEETING**  
**Natural Resource Service Center**  
**August 17, 2011, 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. Council members who attended this meeting were **Al West (Chair), Glen Libby (Vice Chair), Dana Temple (Secretary), Sean Mahoney, Virginia Olsen, Dave Pecci and Bill Sutter**. Council members Jim Markos, Jr., Rod Mitchell, Tim Harper, Bob Baines, Vincent Balzano and George Harris, Jr. were unable to attend. Department staff included Acting Commissioner Pat Keliher, Col. Joe Fessenden, Terry Stockwell, Maggie Hunter, Sarah Cotnoir, Trish DeGraaf and L. Churchill. Others in the audience: Carla Guenther and Holly Eaton from the Penobscot East Resource Center, Karin Sanborn from Penobscot Bay Press – Deer Isle, James Sewell and Jeremy Sewell, Warren.

**1. Welcome**

The meeting was called to order at 1:10 pm by the Chair, Al West.

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:** (G. Libby, D. Temple) Motion to approve the minutes of the meeting held April 25, 2011.*

**Discussion:** None

***Motion continued:** Unanimous to approve: Al West (Chair), Glen Libby (Vice Chair), Dana Temple (Secretary), Sean Mahoney, Virginia Olsen, Dave Pecci, Bill Sutter*

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

**Chapter 26.07(1) Sea Urchin Harvesting Season 2011–2012 ~~2010-2011~~ – Zone 1**

Maggie Hunter briefed the council on the proposed zone 1 season. The Sea Urchin Zone Council wanted 20 days instead of 10 by the Department did not agree as the resource has shown no significant improvement (recovery) since 2004. Comments suggested various alternatives and want the Department to try something different. M. Hunter was asked various questions by council members. Topics included restoration attempts that were unsuccessful, unsuccessful culture attempts, Cobscook fishermen's attempts are transplanting; the 10 versus 20 day season; and self reporting. Bill Sutter displayed two charts covering areas in Zone 1 to demonstrate the small amount of effort in his opinion that takes place by zone 1 fishermen and why 20 days was recommended by the sea urchin zone council and discusses his points at length as to why the 10 day season does not afford the maximum economic activity in Zone 1 and that Zone 1 is not overfished. M. Hunter answered more questions about catch effort and limited entry. She explained that the catch per unit of effort had increased the past 2 years; the roe content was poor compared to previous years averaging 8% versus 11% in Zone 2 last year and the harvest strategies have changed in the past two years. Bill Sutter gave his opinion on the past year then the models used to forecast the fishery was discussed. Dana Temple pointed out that the small areas described on the charts by B. Sutter may be far more significant if depending on how much of the area can be used then the impact could be far greater. B. Sutter described Dr. Larry Harris, UNH professor as having the opinion that adding 10 days would not have a significant impact. The Zone 1 reporting requirements and enforcement was discussed. G. Olsen suggested that Zone 1 rules be split off and add 5 days to the season. It was pointed out that since this would be substantively different from the proposed season it would require a separate additional rulemaking and hearings. B. Sutter explained that the SUZC proposal was 20 days not 15. Acting Comm. Keliher explained that for a substantively different rule the time to process it would be at least 100 days therefore they would lose part of the season. A. West called for a vote on the rule on the tale with a recommendation to the DMR to come back next season with something other than the status quo.

**Motion:** (V. Olsen, B. Sutter) Motion to approve as written and ask the DMR to offer options for additional days next year. Plus, per B. Sutter, add an amendment to go immediately to rulemaking to add 10 days in the late season for Zone 1. B. Sutter: Withdraw amendment and ask the DMR the likelihood of doing the requested 10 days for the late season.

**Discussion:**

Acting Comm. Keliher stated that he would discuss but not go to rulemaking, which does not preclude petitioning the DMR.

D. Pecci: B. Sutter makes somewhat of a point as with no increase in the stock since 2004 it is worth exploring the affect on the fishery without knowing.

S. Mahoney: The reverse however is the science recommends it be closed. Should it be closed for a year instead? If there is no change he fishing effort is not having an impact. More inclined to be conservative and review next year then compromise depends on what happens.

Discussion followed on overfishing, fishing effort, landings from each zone, algae, habitat, the urchin biomass and population distribution.

**Motion continued:** Unanimous to approve: Al West, Glen Libby, Dana Temple, Sean Mahoney, Virginia Olsen, Dave Pecci, Bill Sutter

**Chapter 26.07(2) Sea Urchin Harvesting Season ~~2011-2012~~ 2010-2011 – Zone 2**

**Motion:** (S. Mahoney, D. Temple) Motion to approve as written.

**Discussion:** B. Sutter: The SUZC did vote in favor of the Zone 2 season.

**Motion continued:** Unanimous to approve: Al West, Glen Libby, Dana Temple, Sean Mahoney, Virginia Olsen, Dave Pecci, Bill Sutter

**Chapter 11.09 Atlantic Sea Scallop Harvesting Season 2011-2012; 11.10(1)(H)(5) Closed Areas (Blue Hill technical correction); and 11.15 Scallop Research Conservation Areas, Beals-Jonesport, expired (remove)** Trish DeGraaf introduced the rule and answered questions.

**Motion:** (D. Temple, S. Mahoney) Motion to approve as written.

**Discussion:** D. Temple: The weekend days were included for the recreational guys versus the hard core full timers.

**Motion continued:** Unanimous to approve: Al West, Glen Libby, Dana Temple, Sean Mahoney, Virginia Olsen, Dave Pecci, Bill Sutter

**Chapter 25.08 Lobster Trap Tag System – Owner Operator clarification**

Col. Fessenden explained that the rules allow fishermen to haul their own traps. Last year a loophole was discovered that allowed family members to also haul thus circumvent the trap limit. So the law was changed and this regulation would follow up closing that loop hole. This impacts mostly family members. The person who has the tag in the trap must haul the gear and run the boat. This does not affect the stern men. We get calls asking when this will be enforced.

**Motion:** (V. Olsen, D. Temple) Motion to approve as written.

**Discussion:** none

**Motion continued:** Unanimous to approve: Al West, Glen Libby, Dana Temple, Sean Mahoney, Virginia Olsen, Dave Pecci, Bill Sutter

**Chapter 34.10 Maine Groundfish Management Plan – Amendment 16 compliance updates**

L. Churchill described the rulemaking.

**Motion:** (V. Olsen, D. Pecci) Motion to approve as written.

**Discussion:** none

**Motion continued:** Unanimous to approve: Al West, Glen Libby, Dana Temple, Sean Mahoney, Virginia Olsen, Dave Pecci, Bill Sutter

**Chapter 2.90 Limited-purpose aquaculture (LPA) license – Add Marine Algae (Seaweeds)**

L. Churchill described the rulemaking and answered questions.

S. Mahoney: LPA's are test sites and if it is a good site then they go for the larger areas.

**Motion:** (S. Mahoney, V. Olsen) Motion to approve as written.

**Discussion:** none

**Motion continued:** Unanimous to approve: Al West, Glen Libby, Dana Temple, Sean Mahoney, Virginia Olsen, Dave Pecci, Bill Sutter

#### 4. Other Business

**Legislature** – Acting Commissioner Pat Keliher

Al West, Chair introduced Pat Keliher as the newly appointed Acting Commissioner for the DMR. P. Keliher reviewed highlights from the Special Session and did announce he would be a candidate for the position of Commissioner in September.

Additional topics: budget issues, currently only 173 of 201 positions are filled in the Department, zero-based budgeting will be used, priorities, permit banking is moving ahead, RFP's are going out, landings are up, 1 million pounds this year to date. The price of lobster is down. The sea urchin zone council needs to meet. Vacancies in the Public Health Division were discussed and shellfish issues, including the Interstate Shellfish Sanitation Conference this fall.

**ASMFC & NEFMC Updates** – handout

Terry Stockwell described recent activities by the Atlantic States Marine Fisheries Management Council regarding lobster, Striped bass, Herring, Menhaden, Shad and River Herring and Northern shrimp. This was followed by questions from the council about herring limits and landing days, George's Bank and its herring season and the shrimp stock assessment and limited entry. The New England Fisheries Management Council has not met since June.

#### Other Updates

Trish DeGraaf provided a brief update on the permit banking program. She also announced that the Scallop Advisory Council would be meeting August 22, 2011.

D. Pecci discussed Striped bass season in the Kennebec as better this summer but overall is not good. Recreational participation has tanked and the weekend warriors are gone. We still have problems with Striped bass. The ACOE dredging is done in the Kennebec; fish were still being caught while this was done.

Al West invited the members and the DMR to the new lobster processing facility in Prospect Harbor that has processed its first lobster this week.

**Motion:** (V. Olsen, B. Sutter) Motion to adjourn.

**Discussion:** none

**Motion continued:** Unanimous to approve: Al West, Glen Libby, Dana Temple, Sean Mahoney, Virginia Olsen, Dave Pecci, Bill Sutter