

25.04 Lobster Trawl Limits

C. Beals Island to Libby Island, Washington County

It shall be unlawful to have on any trawl more than 4 lobster traps in waters within the following area: A line starting at the Southeast tip of Kelly Point, Jonesport, thence following a southerly direction on a course of 170 degrees True to the most southern end of Freeman Rock, Jonesport (southwest of Moose Peak Light) as identified on National Oceanic and Atmospheric Administration nautical charts. Thence following a compass course 60 degrees True to the geographic coordinates N 44° 32.6' W 67° 21.1', Datum WGS84 (Loran 12009.5 25741.5). Thence following a compass course of 305 degrees True to the most southern tip of Cow Point, Roque Bluffs.

Basis Statement

Chapter 25.04 Lobster Trawl Limits, (C) Beals Island to Libby Island, Washington County

Current law (12 M.R.S. §6447) allows Lobster Zone Management Councils to propose to the Commissioner of Marine Resources rules placing certain limitations on lobster and crab fishing license holders that fish in that zone. One of those limitations is the number of lobster traps allowed on a trawl. The Zone A Lobster Zone Management Council (LZMC) met on January 11, 2011 and voted 8 in favor and 1 abstention to send out a referendum to consider limiting the number of lobster traps on a trawl in the area described between Beals Island and Libby Island. A follow-up meeting with the Commissioner was held on March 11, 2011 in the Jonesport-Beals High School.

The referendum was mailed to 1,015 people (2010/2011 Zone A - Class 1, Class 2, Class 3, Class 1 Over 70, Class 2 Over 70 and Class 3 Over 70 Lobster License Holders) as of April 27, 2011, with a deadline to return the ballots postmarked by May 18, 2011. There were 240 responses or 24% returned. The overall referendum results were 77% of those voting supported limiting the number of traps on a trawl to no more than four (4) in the waters of Beals Island to Libby Island. The Zone A LZMC met on May 25, 2011 and voted to submit the *4-traps on a trawl limit in the waters of Beals Island to Libby Island* proposed regulation to the Commissioner to be adopted as regulation. All 9 council members were present. The vote was 8 in favor and 1 opposed.

The purpose of this proposal is to prevent accidents and personal injuries as a result of trawls being set over regular trap gear. The Department recognizes the cost of switching from the example of a 25-trap trawl to a maximum 4 trap trawl requires an expense to those persons fishing the longer trawls. However, the Department concurs that the potential for dangerous situations to arise resulting in serious safety issues outweigh the added gear expense. Based on this opinion and the overall referendum results that were 77% of those voting in support and the Zone A LZMC vote in support of this proposal the regulation should be adopted.

Therefore this regulation limits the number of traps per trawl to no more than four (4) in the vicinity of Beals Island to Libby Island. The boundary of the area starts at Kelly Point, Jonesport, to Freeman Rock, Jonesport, to a point approximately 9.7 statute miles due ENE or 60 degrees, then back to Cow Point, Roque Bluffs.

Summary of Comments

A public hearing was held in Jonesport September 26, 2011. The hearing was attended by 14 members of the local lobster fishing industry. The hearing attendees are listed followed by the summarized and individual comments. No written comments were received.

Jonesport Hearing Attendees:

Robert L. Beal, Beals, lobster fisherman

Eugene W. Smith, Beals, lobster fisherman, Beals Harbormaster

Richard B. Sawyer, Beals, lobster fisherman
Richard Smith, Beals, lobster fisherman
Willis A. Beal, Beals, lobster fisherman
Franklin C. Smith, Jonesport, lobster fisherman
James E. Smith, Jonesport, lobster fisherman
Dean Beal, Beals, lobster fisherman
Mitchell White, Beals, lobster fisherman
Leonard E. Durkee, Jonesport, lobster fisherman
Farrell E. Beal, Beals, lobster fisherman
Charles Alley
Brian Crowley, Jonesport
Kevin L. Beal, Beals, lobster fisherman
DMR: Sarah Cotnoir, L. Churchill

Summarized points in support:

Persons take an area by force when they set 3-4 trawl lines on top of buoy gear. Persons are using the legality of fishing trawls placed over other persons gear as a legal means of molesting trap gear; this is a loop hole that should be closed.

This particular area has typically been fished mostly by 4's without problems until 3 years ago.

There's a big difference between clearing trawl gear versus buoy gear and is more complicated. It requires larger hydraulics to lift trawls when they have 70 lb + (mushroom) anchors attached. The weight and strain can result in a dangerous safety situation and if you go over you're history. The smaller boats do not have the crew or usually no the equipment to lift trawl gear. Persons described injuries and near misses.

This area has become more congested and the two types of gear don't mix, trawls versus buoyed gear. It's especially tough to see the longer trawl end buoys when it is foggy.

There are persons who now fish this area who have split up their longer trawls to fish 3, 4 or 5's.

Summarized points opposed:

This is about jealousy and all due to one person.

If you can't clear your own gear you don't belong there.

Switching from trawl gear to buoy gear would be a hassle. I switched to trawls due to the whale rope requirements so I don't lose as many traps.

Department response:

The purpose of this proposal is to prevent accidents and personal injuries as a result of trawls being set over regular trap gear. The Department recognizes the cost of switching from the example of a 25-trap trawl to a maximum 4 trap trawl requires an expense to those persons fishing the longer trawls. However, the Department concurs that the potential for dangerous situations to arise resulting in serious safety issues outweigh the added gear expense. Based on this opinion and the overall referendum results that were 77% of those voting in support of limiting the number of traps on a trawl to no more than four (4) in the waters of Beals Island to Libby Island and the Zone A LZMC vote in support of this proposal the regulation should be adopted.

Individual summarized comments:

Opposed

Mitchell White, Beals

This is just opening a big jar of worms. I think it is all about two people coming in there and catching a "lot" of lobsters out from under them is the biggest problem. I know clearing snarls and cleared plenty of buoy snarls in there over the years. I've been with my father-in-law over the years in there and it's always snarls. If you don't know how to get out from under a trawl you don't know how to get out from under a buoy. If you can't cut your own rope and it's dangerous it is because you're being stupid and can't get out of it, in my opinion. If you can't cut your own rope, tie below it, tie it off, cut it, out of it once, done. I just really feel the whole thing is stupid and is really going to open a jar of worms so you can't fish here and there. If we can't fish a trawl there they shouldn't be able to fish a buoy other than there in my opinion. It's bull.

Support

Franklin C. Smith, Jonesport

I will address directly what he said about the not knowing how to get out from under the trawl. I know how to get out from underneath a trawl. The problem is if someone with a 30 trap trawl decides they want your spot and they set it on you, you haul your four up, by the way sometimes it is 3 or 4, fours underneath that 30 trap trawl, you haul that up and you get out from underneath of them but then you either have to move so they can have your spot or you have to set it back on that 30 trap trawl, which when they haul that back through you either end up at the end of that trawl or you end up sunk buy that trawl.

So it isn't a matter of just simply clearing it out. It is a matter of when you get back there you either have 3-4 in a row that they have stacked up for you because they set it on you and then took that spot by force. Or when you get back you have nothing there, which happened to me day after day last year. I'd go back and I'd have one 4 hung with one end of a fella. One 4 hung with another end of a fella and the other two in the middle were missing because they were sunk under him. So it sounds simple and I will say I haven't had that problem with this certain fella but that is the way it works when you're trying to do this.

This area has typically been fished mostly by 4's. There weren't any trawls there until 3 years ago. There is a big difference between clearing out from that kind of trawl and buoy gear.

Robert L. Beal, Beals

I disagree with Mitchell White that there's nothing to it to get out form under a trawl. One thing you have to have the hydraulics to lift the trawl up and a lot of trawls have 70 lb anchors, one on each in end and it is almost impossible to lift the trawl when it has those big anchors on it.

I was talking a big fishermen with two sternmen in the boat the other day and he said that he's under trawls all the time. He has a hard time getting out of them if he didn't the two sternmen he couldn't fish and he tried hauled one up and he said there was so much strain that he was going to part his rope off. So they had to leave it, they couldn't get it out from under the trawl.

So it doesn't sound like it is too simple to me to get out from under a trawl and I know from my own experience that I've had a lot of trouble trying to get out from under trawls and it is dangerous. When you have that much strain if you get your foot caught in the rope or your hand caught and the rope snaps out of the hauler, you're history, you're over the side. It has almost happened to my brother once and I know some other people that it has happened to.

I was just looking at the summary from the Department of Marine Resources. It says, "*The proposed regulation would limit the number of traps per trawl to no more than four (4) in the vicinity of Beals Island to Libby Island. The boundary of the area would start at Kelly Point, Jonesport, to Freeman Rock, Jonesport, to a point approximately 9.7 statute miles due ENE or 60 degrees, then back to Cow Point, Roque Bluffs. The Zone A Lobster Management Council requested this proposed regulation, which is for purposes of preventing accidents and personal injuries as a result of trawls being set over regular trap gear.*" I was told that the Zone A Council voted on that and everybody but one council member voted for it.

Also, I'd like to point out that the Zone A lobster management council I believe has requested this proposal because every license fisherman in Zone A was sent a ballot to vote for or against this proposal. Everybody had a chance to vote and 77% of those who voted in favor of the proposal. Therefore I assume the council recommended the passage and the council itself did vote for the proposal.

There is a danger I don't care what anybody says. There is a great danger with trawls being set over regular trap gear. Part of the problem is not everybody has these huge pumps with [rigs] of 5-gallon buckets to pull the load up. It is a matter of equipment and how strong your rope is and how big your crew is. The smaller boats don't have the crew and they don't usually have the equipment. As Franklin Smith said that traditionally this area has been fished with triples and fours and sometimes fives. That is the way it has been done for years. On occasion there were trawls there when there was no other gear there. I know one of the old fishermen who told me he fished trawls there when there were no traps there. When the traps showed up he moved his trawl.

I will say that Mr. White was very considerate this summer when he fished his trawls. He didn't run trawls over me. He kept outside [not] inside and I appreciated it. But not all fishermen are as considerate as he is.

Richard B. Sawyer, Beals

I'd like to start off by saying that I feel terrible that this is necessary but it is. I sympathize with Mr. White. He's not hard to fish around, at all. It's too bad that everybody can't be as decent to fish around. I was one of the guys that used to fish trawls in this area. There was about 25% as much gear there as there is now. It has quadrupled or maybe even more. The two types of gear do not mix. When you get a trawl on it is impossible to get it back over board without getting over buoy gear. It's impossible to haul buoy gear and not get it on over trawl gear. Things are very congested. The two gear types do not mix. It is unfortunate that we're in this situation. But here we are and it is creating a safety issue. I've had injuries to myself and I've had a lot of near misses. I don't want to see any injuries and I don't want to see any more near misses. [Buoy gear means 4-5 or less traps on a warp with a single end line. Trawls are typically 2 end lines and more than 4 traps.]

Leonard E. Durkee, Jonesport

I agree more or less with what the others have said. It is dangerous. I've been hung up a lot and I've been jammed and I can clear snarls and I can clear trawls. I've done it for years. But I don't feel there is any place for trawls

where we're fishing the four's and the triples. When it is foggy you really can't run your gear safely with out getting on the trawls because you can't see the buoys. They are a long distance apart and it's a job setting your gear. I've lost traps and parted traps off and I just feel there are plenty of places to fish trawls other than in there. Anyone can get by just fine without setting trawls in there.

Willis A. Beal, Beals

I feel like these other fishermen that it is a big safety issue as far as I'm concerned. I think that Mr. White has been very careful with his trawls. I haven't had any problem with him. But there are others that aren't so courteous and their trawls are longer and you can't tell which end is west and east unless you sail right to them and then you'd have to plot a line from one balloon to another to get that direct line. A 25 trap trawl reaches a long ways. I think one of the problems is that they bring these in from offshore with over 100 fathom on them and they don't shorten them up. So they take a big sweep as well with the end lines. I've been caught and almost pulled overboard and the good Lord saved my life. I've got equipment so I can lift the trawl if my rope will stand it. I think anyone is welcome to fish there with the same type gear we're using. So to my mind there's no real need of putting a trawl there other than they can pull trawls faster and go through more gear. I think some of those trawls now have been moved outside further already. It is actually no more than 3-4 fishermen fishing trawls that cause the problem. [Clarifications: 100 fathom refers to the end lines. The scope is 38-45 fathoms or depth of water. Most of it is under 200 feet and they also have a lot of tide. Larger line and float rope buoys out better. Some fish 75 fathom of float rope. Weaker top ropes are difficult to bring up a snarl.]

[Break]

Willis A. Beal, Beals, continued

It's difficult for me to judge who's fishing a trawl and who is not. Because of balloons being fished on 4's, there are balloons being fished on 8, on a warp, so one balloon looks like another to me. It is difficult to determine where a trawl is running sometimes. The more ballons the more confusion you have.

Leonard E. Durkee, Jonesport, continued

There are some trawls that only have one end buoy on them. So you rally can't tell how they are running. So you're just guessing. You either go east or west, you don't know.

Neutral

Eugene Smith, Beals, Harbormaster

I'm speaking neutrally because I want to toss something in to think about. I have great respect for all these gentlemen behind me. I'm a Harbormaster of Beals. I work with a lot of these men everyday and I think they are good people. This whole mess, and I'm not going to call any names, this whole mess was basically brought up because of the actions of a couple three people last year who went in there like they owned the world, the cowboy at the rodeo. Dumped their 20-25 trap trawls, wherever they wanted to with no consideration for any of these gentlemen at all. I've never heard either one of these guys speak against Mitchell White. I definitely not against you Mitchell don't get me wrong. [...What you do] You don't do it intentionally. These gentlemen last year had a problem with my son and they sunk him. A big area where they sunk him right out of sight and he couldn't get to his stuff; couldn't get it out from under, whatever, and he went and spoke to the guy, which is the polite thing to do. He says I'll take care of it the next time I haul. Well he did, he sunk more. If that is taking care of it I guess it was taken care of. It certainly took care of the problem as far as he was concerned. That is what brought all this on. I said it at the last hearing and I'll say it again, as Harbor master I hear a lot of people talk. That is where is all started. It isn't a matter of could it be done more politely, it could. Is it going to be? Not by some people. Obviously it depends on who the person is and how much they want to cooperate and that is true everywhere. But when you start running 25 trap trawls in a long line you should not be impolite to people not caring about others. You can really create a mess. Would that be dangerous? Of course, a 25 trap trawl is bound to be dangerous. Like I said, I'm speaking neutrally, I just wanted you to have an idea of what brought all this on and I don't think there's a person here that would disagree with what I'm saying. I think they all know exactly what brought this on and they are being very careful not to come out and say anything and I am not going to point fingers. But is all came from a certain areas, period. I just wanted you to know that.

Mixed

Richard Sawyer, cont'd (support)

I'd like to add to what Eugene said. A lot of this started 2-3 years ago but that is not really when it started for me. Lenny might remember, Willis, Robert, in the southeast part of that boundary we've had problems down in there for years and years and years. Trawls and buoys not mixing. So it started a long time ago for me. This in the last 5 years is just worse and more of it. The worst one we had 10 years ago doesn't fish this area anymore. I don't know what he's doing for work but I was glad he found something, another profession. But it started for us a long time ago. I was one of the guys that took trawls and broke them up into buoys so that I wouldn't be mixing with other gear.

Robert Beal cont'd (support)

Like Rick said there have been other ones who have set trawls in there and one is currently selectman for the town of Machias and he didn't care where he set the trawls. Over the top of your buoys or whatever he would even tow your traps around so he could run his trawls. He isn't fishing anymore; not out there, he's fishing. There have been other ones who have run trawls. If you run a 25 trap trawl in amongst regular gear I think Harry Houdini couldn't run out the 25 traps without setting on someone else's gear. I don't see how it would be humanly possible, there is a lot of gear there, to set a 25 trap trawls without going over someone else's traps. Like I said with 70 pound anchors on each end you've got to pull that up and that line comes tight there is one wicked strain. I've had them up before and I couldn't do anything with them there was so much strain I couldn't get them loose. I don't think I'm the only one that has had that problem. Yes there is one way to get them loose but that is what it would come to. Because I don't think most of the fishermen are going to take a chance on their lives to clear a trawl. All they have to do is take a knife and cut the ground line. Nobody wants to do that. If it comes to the choice between your life or loosing a hand or fingers I don't think it's too much of a choose to make. It's too bad those things have to take place. To set trawls in amongst the regular trap gear without conflict and danger. If you set outside or inside yes you could do it. But I'd like to also point out that no one is saying we don't want people to fish there. They are welcome to fish there like anyone else. We like these people, some are nice fella's. There is no reason why everyone can't fish there. But you can't mix those long trawls and regular trap gear together, it doesn't work.

Mitchell White, cont'd (opposed)

On the same point how can you take this one little box with the same trap gear and buoy gear, or trawl gear and buoy gear, don't mix, they don't mix anywhere. But from Freeman's Rock west from there east, from there east it is probably all trawl gear regardless. We're being pushed into it. I switched to trawls mainly because of the whale rope chaffing and I can fish a piece of float rope from my anchor to my first trap and I don't loose traps that way. It saved me gear. It's not because I can haul faster. It's because it saves me traps every year. It saves me money in the long run on end lines and ground lines and he's right they don't work good together. Buoys and trawls don't mix. But you can't take that one box, Farrell Beal fishes to the westward and I guarantee he's fishing every bit as much through trawl gear as they are right there. I just don't see making this one spot different because of one person.

Richard Sawyer, cont'd (support)

In this one box you're talking about you can fish all the float rope you want because it is inside the exemption line.

Mitchell White, cont'd (opposed)

I suppose if you want to re-rig all your gear every time you move it or if you just want to fish this one spot and never move your traps that is wonderful. But if you're going to chase lobsters at all it is a pain in the [---]....

[Audience: There is a better way to fix this. What is it? What way that is legal?]

Kevin Beal, Beals – I'm in favor of the proposed regulation.

Willis A. Beal, continued (support)

I fish outside the whale line with a lot of trawls and I very seldom have problems. Guys are pretty courteous. They run their trawls in the same direction and they are well marked and you can get along pretty well. But the gear isn't so congested outside there either. The less congestion you have the better the results you get. I've fished in the company of Mr. White, with trawls, Dean Beal and some other guys I don't have problems with them. Bill Lock. Because they are good fellas and they are courteous. If they think they are going to get on your string they will jump one way or the other. Even Matthew Merchant he fishes trawls out there and I don't have a problem with them outside that line. There's less congestion out there.

Robert Beal, continued (support)

He mentioned Matthew Merchant. He's one of the biggest fishermen we have Downeast and he fishes trawls offshore but when it come to the dragging bottom he brought traps in there and set them out as 4's. It didn't bother him any to rig 4's. He's got balloons on them and he fishes 2 strings of them and he hasn't been a problem what so ever. The people saying you can't break your trawls up that is hogwash because if he can do it they all can do it. [Audience - inaudible] I remember one time I got tangled up with a guy in a trawl and I was over an hour getting out of it. I don't know how big his trawl was I assumed it was 10 traps. But before I was done I drifted about 2 miles and his trawl ended up inside Libby Island. It took an hour and a half to get out of it. I didn't think I was ever going to get out of it. The thing is with those haulers is I don't know if all of them are the same or not but I know what mine does. [If] you have a heavy strain on it the next thing you know that rope flies out and your standing in a pile of rope or in the edge of it and if you have to get your foot caught in it you're going to be history. The stern man might be able to save you but it's a dangerous thing. I know my brother's son-in-law fishing trawls outside; he had 4-5 trawls on top of his trawls the other day. Trawls even get set over each other.

Leonard Durkee, cont'd (support)

...We lost traps. I've lost gear there. I think everyone lost gear. We had to move our traps in or out. I had a big hole in my gear because I had to move right out of the area. I shifted in or out but we still lost traps.

Richard Sawyer, cont'd (support)

What it amounts to is there are those, as Eugene Smith eluded to, who use the legality of fishing trawls as a legal means of molesting trap gear. They will sink your gear out of sight. They will strip it when they haul it because of the break aways; you will not get your gear back until you grapple for it long after they've taken their stuff and gone and you won't get it back where it came from either because it is picked up and sometimes moved half a mile or more. The best way for you to get traps back is for Lenny to hook them and bring them back to you. We need to close this loop hole.

Farrell Beal, Beals (support)

I don't fish in this area, I fish close to it. But I've got some idea what these guys are going through because when I move offshore I'm fishing almost entirely around trawls all the time now. There's only about 2-3 of us left that fish buoys. In fact I had one of the fishermen tell me a while ago if I was going to fish off there I was going to have to start fishing trawls. I really don't want to do that, I fish with just one guy with me, my boat is not all that big, and rally don't want to fish the trawls. The only thing I was going to say is they are hard to fish around. It used to be years ago that the tug and the barge and the tankers were probably my biggest loss. I'd lose more gear to the traffic of the tankers, tug and barge. Now I seem to be losing more. Part my traps off trying to get them up from under trawls. You get a little set over on your traps and you go out and what to haul them and you can't get them up so you wind up parting them off. I just spent quite a lot of money for new rope to rig my gear so I can haul them up. I have the equipment to haul it with but you have to have a pretty good stout piece of rope if you going to hook on to 20-25 traps trawls and get you gear up so you can get it clear. ...tugs and barge actually with the big cable there caused a big loss. I'm losing quite a lot getting them out from under trawls now.

Leonard Durkee, cont'd (support)

It makes a difference where you hook the trawl. If you hook them in the middle you're taking all the weight of the bunch. When you haul the trawl you grab the one end and haul through it so you don't have the weight. When you get hung in a trawl you're pulling all the traps off bottom plus yours...

Richard Smith, Beals (support)

One of the bigger problems with trawls, which I fish around [inaudible], my brothers have a couple apiece. But if you do get wound up with one they were saying just like you wind up in buoy gear, what prompted this about when Lenny was talking about anchors, that is the b----- of it right there. You get in the middle of a trawl, you aren't trying to pull two head traps towards you when all the traps come up. You've got normally most would run either 50-75 pound mushroom anchor, which is basically one big soup dish on a shaft. That baby digs in the mud and there ain't nothing making it come from the middle except the stretch in the rope and that is all the give you have. You don't run into much of the Danforth anchors until you get towards Seal Island, Cutler. Mostly mushrooms around here. [Some are using 90 lb anchors.]