

**NOTICE OF AGENCY RULE-MAKING ADOPTION**

**AGENCY:** Department of Marine Resources

**CHAPTER NUMBER AND TITLE:** Chapter 25.04 Lobster Trawl Limits

**ADOPTED RULE NUMBER:**  
(LEAVE BLANK-ASSIGNED BY SECRETARY OF STATE)

**CONCISE SUMMARY:** This rule limits the number of lobster traps on a trawl to a maximum of five within the waters of Zone B from the six-mile line to the 25675 line. The rule becomes effective on October 1, 2018, to allow fishermen to modify their gear in compliance with the rule. The rule change was initiated by the Zone B Council, in accordance with 12 M.R.S. §6447. A referendum of Zone B license holders was conducted, and over 2/3rds of those voting in the referendum supported the proposed rule change. Following review of the referendum results, the Zone B Council voted unanimously to recommend to the Commissioner to advance the proposal to rule-making. The Commissioner reviewed the proposal and input received through the rule-making process in accordance with 12 MRS §6446, which provides that the Commissioner may adopt the rule if it is determined to be reasonable. While the rule is reasonable, there remains a lack of consensus amongst both Zone B fishermen, as well as fishermen from other Zones who also fish the area. Therefore, a sunset of December 31, 2019 has been added to the regulation. The Department will facilitate conversations between all fishermen fishing in this area prior to the sunset to determine if the rule should be further modified based on any compromise achieved, or continued in its current form beyond the date of the sunset.

**EFFECTIVE DATE:**  
(LEAVE BLANK-ASSIGNED BY SECRETARY OF STATE)

**AGENCY CONTACT PERSON:** Amanda Ellis (207) 624-6573  
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*Please approve bottom portion of this form and assign appropriate MFASIS number.*

APPROVED FOR PAYMENT _____	DATE: _____				
FUND	AGENCY	S-UNIT	APP	OBJT	AMOUNT
010	13A	1120	10	4946	regulations

*Please forward invoice to: Natural Resource Service Center, 155 SHS, Augusta*

DEPARTMENT OF MARINE RESOURCES

CHAPTER 24

25.04 Lobster Trawl Limits

A. Casco Bay

It shall be unlawful to have on any trawl more than 12 lobster traps in waters within the following area: Starting at Martin Point, Portland; southeasterly to the northern end of House Island, Portland; thence southeasterly to the northeast point of White Head, Cushing Island, Portland; thence easterly to the southwest point of outer Green Island; thence easterly to the light at Halfway Rock; thence northwesterly to the Green Island Ledge Buoy; thence northwesterly to Parker Point, Yarmouth.

B. It is unlawful to have on any trawl more than 3 lobster traps in the following areas:

1. West of Cape Elizabeth and east of Kittery. Westerly of a line drawn from the active lighthouse at Two Lights in Cape Elizabeth through the Hue and Cry Buoy and, continuing in a straight line, to the point of intersection with the 3-nautical-mile line, and northerly and easterly of a line running between the Kitts Rocks Whistle Buoy and the West Sister Buoy and extending westerly to the New Hampshire border, and from the West Sister Buoy to the Murray Rock Buoy and thence to and through the lighthouse on Boone Island and, continuing in a straight line, to the point of intersection with the 3-nautical-mile line;
2. Between Pemaquid and Robinson's Points. Between the following lines:
  - A. Beginning at a point 48 miles true north of the lighthouse on Pemaquid Point, Lincoln County; thence true south through the lighthouse to a point of intersection with the 3-nautical-mile line; and
  - B. Beginning at a point 40 miles true north from the lighthouse at Robinson's Point, Isle au Haut, Knox County; thence true south through the lighthouse to a point of intersection with the 3-nautical-mile line; and
3. Off Hancock County and within the following areas. Beginning at the Southern tip of Schoodic Point at  $44^{\circ} 19.900' N$  and  $068^{\circ} 03.609' W$ ; thence running a Magnetic compass course of  $174^{\circ}$  to latitude  $44^{\circ} 9.44' N$  and longitude  $067^{\circ} 57.54' W$ ; thence running in a southwesterly direction along the Maine Six Mile Line, as described in DMR Chapter 75.01 A-6, to its intersection with the lobster Zone B/C line at  $43^{\circ} 54.452' N$  and  $068^{\circ} 25.708' W$  thence; thence following the B/C line to latitude  $44^{\circ} 01.376' N$  and  $068^{\circ} 28.396' W$ ; thence running a westerly Magnetic compass course of  $286^{\circ}$  to the point of intersect with the line described in subsection 2, paragraph B; and then following that line north to its point of origin 40 miles true north of from the lighthouse at Robinson's Point, Isle Au Haut, Knox County.

C. Effective October 1, 2018, it is unlawful to have on any trawl more than 5 lobster traps in the following area off Hancock County:

From the intersection of the eastern boundary of Lobster Zone B with the Maine Six Mile Line at  $44^{\circ} 8.64' N$ ,  $-67^{\circ} 59.19' W$ , proceeding in a southerly direction for ~9.2 NM along the eastern boundary of Lobster Zone B to  $43^{\circ} 59.75' N$ ,  $67^{\circ} 55.72' W$ , then westward at a bearing of  $243.5^{\circ}$  True for 19.6 NM to a point on the NOAA 12NM line at  $43^{\circ} 48.61' N$ ,  $68^{\circ} 18.07' W$  (LORAN-C line 25675). Then proceeding in a westerly direction along the NOAA 12NM line to its intersection with the western boundary of Lobster Zone B at  $43^{\circ}$

51.51' N, 68° 24.53' W; then northward along the western boundary of Lobster Zone B to its intersection with the Maine Six Mile Line at 43° 54.42' N, 68° 25.62' W. Finally, eastward along the Maine Six Mile Line to its intersection with Lobster Zone B eastern boundary.

25.04 C , sunsets on December 31, 2019.

C. D. 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.

D.E. Kittery

It is unlawful to have on a trawl more than 10 lobster traps in the waters southerly of a line running between the Kitts Rocks Whistle Buoy and the West Sister Buoy and extending westerly to the New Hampshire border, and from the West Sister Buoy to the Murray Rock Buoy and thence to and through the lighthouse on Boone Island and, continuing in a straight line, to the point of intersection with the 3-nautical-mile line. Each trawl set in this area must be marked on each end with at least one buoy with a buoy stick of at least 4 feet in length.

E. F. Linekin Bay

It is unlawful to fish for or take lobsters with more than two traps on any one line or buoy in the waters of Linekin Bay, Lincoln County, inside and northerly of a line drawn as follows: starting at the southern tip of Spruce Point, Boothbay Harbor, southerly to a red navigational buoy #N"Z"; thence southeasterly to a black navigational buoy #C"1"; thence easterly to the northern tip of Negro Island; thence true east to Linekin Neck, Boothbay.

F. G. Sheepscot Bay and Sequin Island Area

It is unlawful to have on any trawl more than three lobster and crab traps or shrimp traps in coastal waters inside and upstream of the following line: starting at the southern tip of Indiantown Island, Boothbay; thence southerly to the northernmost point on Cameron Point, Southport; then starting at the southwest point of Southport; thence southeast to the Cuckolds; thence southerly 188°T. to the territorial limits of the State (LORAN C coordinates 13054.5 and 25904.0); thence westerly to Mile Ledge Bell R20ML; thence northwesterly to the navigational buoy C (1JK) Jackknife Ledge; thence northerly to the southern tip of Wood Island; thence northerly from the northern tip of Wood Island to the most southeast point on Popham Beach, Phippsburg.

## Rule-Making Fact Sheet

(5 M.R.S., §8057-A)

AGENCY: Department of Marine Resources

NAME, ADDRESS, PHONE NUMBER OF AGENCY CONTACT PERSON:

Amanda Ellis, Department of Marine Resources, 21 State House Station, Augusta, Maine 04333-0021 Telephone: (207) 624-6573; web address: <http://www.maine.gov/dmr/rulemaking/>

CHAPTER NUMBER AND RULE: 25.04 Lobster Trawl Limits

STATUTORY AUTHORITY: 12 M.R.S. §§6446 & 6447

DATE AND PLACE OF PUBLIC HEARING(S): May 22, 2018, 5:00 PM, Ellsworth High School

COMMENT DEADLINE: June 1, 2018

PRINCIPAL REASON(S) OR PURPOSE FOR PROPOSING THIS RULE: [*see* §8057-A(1)(A)&(C)]

12 M.R.S. §6447 allows Lobster Zone Councils to propose to the Commissioner 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. On December 20, 2017, the Zone B Council voted unanimously in favor to initiate a referendum, which would consider limiting the maximum number of traps on a trawl to five within the waters of Zone B from the six-mile line to the 25675 line. The proposal was supported by over 2/3<sup>rd</sup>s of those Zone B license holders voting in a referendum conducted in February 2018. On April 25, 2018 the Zone B Council voted unanimously to recommend to the Commissioner to advance this proposal to rule-making.

IS MATERIAL INCORPORATED BY REFERENCE IN THE RULE? \_\_\_ YES \_\_\_ X NO [§8056(1)(B)]

ANALYSIS AND EXPECTED OPERATION OF THE RULE: [*see* §8057-A(1)(B)&(D)]

This proposal would establish a five-trap trawl maximum for a specific area, within Zone B, off Hancock County.

BRIEF SUMMARY OF RELEVANT INFORMATION CONSIDERED DURING DEVELOPMENT OF THE RULE:

Feedback from the Zone B Council and Zone B members, including referendum process initiated by the council, and approved by 2/3<sup>rd</sup>s of those voting. Marine Patrol was also consulted to provide the coordinates for the area.

ESTIMATED FISCAL IMPACT OF THE RULE: [*see* §8057-A(1)(C)]

Enforcement of these proposed amendments will not require additional activity in this Agency. Existing enforcement personnel will monitor compliance during their routine patrols.

## Basis Statement:

This rule limits the number of lobster traps on a trawl to a maximum of five within the waters of Zone B from the six-mile line to the 25675 line. The rule was amended from what was originally proposed to become effective on October 1, 2018, to allow fishermen to modify their gear in compliance with the rule. The rule change was initiated by the Zone B Council, in accordance with 12 M.R.S. §6447. A referendum of Zone B license holders was conducted in February 2018, and over 2/3rds of those voting in the referendum supported the proposed rule change. Following review of the referendum results at their meeting on April 25, 2018, the Zone B Council voted unanimously to recommend to the Commissioner to advance the proposal to rule-making. On May 22, 2018, the Department held a public hearing on the proposal and accepted written comment until June 1, 2018. The Commissioner reviewed the proposal and input received through the rule-making process in accordance with 12 MRS §6446, which provides that the Commissioner may adopt the rule if it is determined to be reasonable. While the rule is reasonable, based on the input received it is clear there remains a lack of consensus amongst both Zone B fishermen, as well as fishermen from other Zones who also fish the area. Therefore, a sunset of December 31, 2019 has been added to the regulation. The Department will facilitate conversations between all fishermen fishing in this area prior to the sunset to determine if the rule should be further modified based on any compromise achieved, or continued in its current form beyond the date of the sunset.

## Summary of Comments:

Name	Affiliation and (Number in attendance)
Dan Rodgers; Roger Chipman; illegible signature	<b>Zone A (3)</b>
Eric Jones, Steve Philbrook, Peter Philbrook, Lewis Bishop, Jason Joyce, Phil Torrey, Zach Lunt, Chris Sawyer, Ronnie Musetti, Sam Hyler, Josh Joyce, Alec Phippen, Carroll Staples, and Abe Philbrook	<b>Zone B (14)</b>
Richard Larrabee, Jr.; Sherman Hutchins; Richard Larrabee, Sr.; Zach Wight; Ben Weed; Darrell Williams; Donald Jones; Ryan Larrabee; Skylar Larrabee; Nathan Jones; Johnson Boyce; Kenneth Hardy; Garrett Steele; Brian Eaton	<b>Zone C (14)</b>
Patrick C. Keliher, Commissioner; Sarah Cotnoir, Jeff Nichols, Troy Dow, Dan Vogel, and Amanda Ellis	<b>DMR Staff (6)</b>
Pat Shephard, Susan Jones, and Laurie Schreiber	<b>Members of the Public (3)</b>

## Breakdown by Zone (written comments and public hearing):<sup>1</sup>

Zone Affiliation	Opposed	In-Favor	Neutral
<b>Zone A</b>	0	0	1
<b>Zone B</b>	6	13	1
<b>Zone C</b>	11	0	0
<b>Total</b>	17	13	2

<sup>1</sup> Duplicative comments, made by the same individual, are counted once. For example, someone who provided both written comment and oral comment would only be tallied once. This calculation is for informational purposes only. All comments received are included in record.

## **Public Hearing Comments:**

### **Opposed (10)**

#### **Richard Larrabee, Jr., Zone C**

The 675 line is different over the west than it is the east. The water to the west is a lot deeper in a lot of spots. I fish on the west side of Zone B. I tag out every year in Zone B and I might see four boats from Zone B, so I think this is a blanket issue and it's not going to work. It's not going to work for us. We're going to have ten times more rope. The gear loss is going to be insane, the tankers. I mean we've got two end lines now, so if we lose our traps we can get them back. With five trap trawls we've got one end line and we'll never get our traps back. If we go out and a barge or whatever has wiped out thirty of our traps you're going to look at the guy next to you and you're going to say he cut me off. You know, it's going to cause trouble. I think the Commissioner should go for a boat ride and actually see what is going on versus looking at a chart, because looking at a chart makes the area look small. If he actually looks at it and the DMR went for a boat ride down the west side and down the east side I think he's see how ridiculous this is. That's my comment.

#### **Alec Phippen, Zone B**

My only comment is this is going to affect me hugely, economically. I agree with Richard, it's going to cause a lot of problems. Where we fish over the west the water is a lot deeper. It is a pain. We have an immense amount of cruise ship traffic compared to what it used to be. This year alone there is going to be 180 cruise ships coming through and we are going to be losing gear left and right without two ended trawls. Fives are going to be a blood bath, so I've got two written pages and I'll get that submitted, but I just wanted to have that as well.

#### **Carroll Staples, Zone B**

I am opposed to this. There is a lot of different ways I could look at this and come up here and try to approach everything. I could say that I can't make fives work and that I am going to lose gear. But for every time I get up and say that somebody is going to get up behind me, obviously 2/3rds are going to get up behind me from my own Zone and tell me that they love it and they can make it work. I don't want to try to make it work and I never have. This is how I've always fished. Are there more trawls in Zone B? Yes, there are more trawls in Zone B than there ever have been before. That is absolutely right and the reason for that is because we have been encouraged and asked to trawl up. Some people went with the extreme and they went with the 15 like we were asked. You set a mark, you point at it and they go for it. That's what happened, they went with 15 traps. Guys have spent the money and they invested in it. Now all of a sudden because guys don't like it, which this had nothing to do whether you liked it or not. It had everything to do with what are you going to do to continue fishing, because that is the type of people we are facing with these stupid whale issues. Are you going to be able to continue fishing? Liking it doesn't have anything to do with it. So, after people have invested the money to trawl up and fish a certain way, now because we don't like it we are going to rip the rug from underneath them. Now I feel bad for the guys that lost their trawl lines north of the rock. They've always had triples and going from triples to trawls must be an absolute nightmare, so in my humble opinion which doesn't amount to a pee hole in a snow bank, I would just suggest that the commissioner look at the original trawl line. Everybody knows where it is, the guys north of it like fishing that way. It would get probably unanimous support from all of Zone B and if you had a hearing for that I bet there would be a lot less people in this room with ugly looks on their faces. That would solve the whole problem. Leave the southern end and western end exactly the way it was and let them have back what they lost. It's only fair since they lost it.

### **Sherman Hutchins, Zone C**

My letter is basically saying the same as what Carroll just said and some of the same points as Dicky [reference to Richard Larrabee, Jr.]. The only thing I might add is that as we are facing some of these whale issues and we're hearing different guys talk about what they're going to give up, what we're willing to give up, what we can't give up, what won't work, what will work. Zone B proposing to add more vertical lines in the water, I think, shouldn't even be on the table for the discussion. Everybody up and down the coast is talking about what we are going to have to give up.

### **Steve Philbrook, Zone B**

I am writing in strong opposition to the Lobster trawl limit proposed by the Zone B council. The following are the reasons for my opposition.

Personal History: I am a Zone B lobsterman of 28 years. I have spent the majority of my career lobstering an area west/northwest of Mt. Desert Rock (see chart 1). It has taken me the better part of two decades to establish myself in this area. Anyone who understands the territorial nature of the lobster fishery will appreciate how much work it takes an individual lobsterman to establish himself in a particular area. This area has become the primary source of income for me and my two sons (who are 22 and 20 respectively, and are planning to make their living fishing this area). In 2017, based on my records, I made 70% of my income from the proposed area. This proposal will make this area extremely difficult if not impossible to fish.

Why Five trap trawls will be a disaster for us: Cruise Ships.

When I began fishing this area in 2000, there were 30 cruise ship visits to Bar harbor, and the majority of those visits were in July and August. We did not fish that area until late September, hence, we had no conflict with cruise ships. In contrast, in 2018, there are 180 cruise ship visits scheduled-a 600% increase since 2000 (see historical increase below). 100 of those visits are scheduled for the months of September and October, the very months we have 100% of our gear in that area (see attached cruise ship schedule for Bar Harbor). Every ship approaching and leaving from the west runs through our gear. I've included a chart with an overlay of the AIS data for the previous year. As you can clearly see there is barely a piece of the ocean that is not run over by a ship (see accompanying chart with AIS overlay data).

I used to fish a mix of fives and trawls in this area. But, with the increase of cruise ship traffic, I began losing gear. One year after losing 45 traps out of a 50 trap gang I began running all 15 trap trawls. The results could not have been more pronounced. This past fall, in one four week stretch, I lost 20 end lines, both the toggle and poly ball stripped from my double ended trawls. If my trawls had been fished as fives, I would have been out 100 traps in four weeks - at \$127/trap, rope, toggles, floats, and lost income-my personal loss would be at least \$20,000, just in 4 weeks. Despite losing 20 end lines, I did not lose one trap to a cruise ship this past year. If we have to fish fives I will have 33% more end lines in the water, with little chance of getting my gear back, and my losses will be even greater, easily over \$25,000. We are talking about serious economic impacts. Multiply this by the dozen or so boats fishing this area and the economic impact will be in the \$100,000's. Some guys fish all of their gear in this area year round. In the months of September and October, there are 3200 traps fished in this area just from 5 members of the Cranberry Isles Fishermen's Coop, of which I am a member.

Snapshot of the historical increase in cruise ship traffic into Bar Harbor (sources: MDIslander newspaper and town website):

Year    Visits

2000 30  
2014 60  
2016 117  
2017 165  
2018 180-100 of those visits in Sept/Oct

As you can see cruise ship visitation is on the increase with no end in sight.

Compromise offered. At all three meetings with the council we offered compromises. We asked for an exemption line. There was a Hancock county trawl line in place for decades, it was replaced by the 6 mile line under the most recent whale regulations, we proposed putting it back or some modification of it. We asked for an extension of time to potentially extend the cruise ship track (which no one knows if this is even feasible). All of our proposed compromises were an attempt to find a way that would work for everyone. I found it extremely frustrating that all of our compromises were rebuffed, ironic, since the compromises affected no one on the board, no fisherman in the room, and would have allowed us to effectively fish this area.

Historical precedence. Not only will the economic impact be devastating, but changing the trawl line west of the rock will go against Historical precedence. In the whole history of the lobster fishery there has never been a trawl prohibition in this area: never. Implementing a trawl prohibition now would not only run contrary to history but would put more end lines in the water going against whale measures.

Whale measures The newspapers are full of the potential draconian measures lobstermen are facing because of gear entanglement with whales. I find it highly ironic that our zone council is proposing a rule that will put 1000's of new end lines in the water. This has the potential to backfire on everyone, exponentially increasing the potential for entanglements and further extreme measures from the National Marine Fisheries Service and environmental groups.

Unintended consequences. Every law has unintended consequences and this law will have many. Gear displacement- This proposal essentially creates a closed area, (approximately 60 sq mi will not be safe to fish in because of cruise ship traffic). Significantly less gear will be fished in this area displacing it to the east or west, creating more crowding in other areas. More gear to the east will also create greater gear conflicts and gear loss to the herring fleet which is already a significant problem in the fall months. For many years we have lost significant gear to the mid water trawl and seiner fleet. In 2016, I lost 54 traps in one night. Since fishing trawls to the west I have not lost a trap to the herring fleet. For these reasons, the proposed rule will create worse problems than the one it is trying to fix.

Other reasons. There are many other reasons I am against this proposal.

1. Fishing fives are less efficient in both time and money. They are especially inefficient when you have to move beyond the 50-60 fathom edge. Much of our gear north of the 675 line will have to be fished as fives in 90-100 fathoms of water. This again greatly increases the potential for gear loss because of the strain on end lines coming up from that depth.

When you part or lose an endline on a 15 trap trawl this is not a problem because you can go to the other end and slowly haul the trawl with no loss of gear.



2. The 675 line is largely an arbitrary and "convenient" choice. At the initial council meeting there was a proposal of three lines: 685,680,675. I honestly thought it was a joke until one of the board members, a gentleman who does not fish outside the three mile line, made a motion that it be the 675. If you look at a chart, the 675, is discriminatory against those of us who fish to the west because our bottom drops off quicker and deeper than it does to the east. We will be forced to fish fives in areas that I have never seen anything but a trawl fished.

3. Zone B is the only zone that does not allow trawls to the 3 mile line. Right now we have a 6 mile line, this was a compromise that was negotiated for in the most recent whale rules. The proposal to move the trawl line to the 675 line, approximately an additional 11nm, is a regressive proposal when compared to the rest of the state and the historical precedence of the Hancock county trawl line.

Additional thoughts: Obviously, the majority of fishermen who voted do not fish where I fish, though I respect their opinion, switching to fives will have zero negative impacts on their fishing practices and bottom line, they have no skin in the game, voting for this proposal was easy for them. I believe the majority voted for reasons which were clearly articulated at the zone council meetings. 1. Many believe that increased effort from zones A and C is the most serious issue our zone faces. The council erroneously believes this proposal will slow down effort from the neighboring zones of A and C, we spent the better part of the second meeting discussing this. I have heard from several Zone C fishermen that this will have zero impact on where they fish and they fear that even more gear will come over the line from smaller boats. 2. Many Zone B fishermen have not traditionally fished trawls, especially the fishermen who fish to the east of the zone, who, before the whale rules, could not legally fish trawls until they got below the 695 line. Traditions die hard. There are many fishermen who do not want to make the switch based on tradition and a fear of the unknown. It might be tempting to think that the will of the majority is the best course of action for the good of the whole, but in this situation that assumption is absolutely false. When the majority's position is so detrimental to a minority's rights then the majority should not have the right to impose its will on the minority. The "gains" of the five trap trawl law will in no way outweigh the losses of the minority in this case. Not one member of the zone council will be impacted in any way by this proposal. This proposal is unethical for this reason.

It was also very apparent at the council meetings that the board, and by extension the "majority" of Zone B fishermen, do not understand (or do not care) the issues we are facing west of Mt. Desert Rock. I had a two hour phone conversation with zone council chair Horner trying to explain why we are so strongly opposed to this idea-I think he finally understood and reluctantly agreed that we will be severely impacted. But what this conversation revealed to me is that the "majority" of Zone B fishermen don't fully understand or appreciate the impacts of this proposal on a significant amount of us Zone B fishermen.

In conclusion, I am strongly opposed to this proposal because of the significant financial impacts caused by cruise ships, potential gear conflicts, and a loss of my traditional fishing practices and rights. I am not one who lives in fear, but I am fearful of the consequences this proposal. There are few things that have caused me sleepless nights in my life-this issue is one of them. I strongly urge the rule making committee and the commissioner to not allow this proposal, as written, to pass. I appreciate your consideration of my comments.

**Ben Weed, Zone C**

I am opposed to it for a lot of the reasons that have already been spoken, so I won't beat a dead horse. Dicky, Carroll, and Steve all made very good points, so I just want to say I am against it. I don't really know what I can add, but maybe a little bit about the gear displacement or something. If people decide not to fish trawls down there, maybe they'll hang back in the bay later in the fall and not come down until they can jump over to the 675 and fish trawls, so you are going to potentially see more gear for longer periods of time. Where other guys might move out earlier in the season to move down to fish this area, they might hang back. So maybe the up inside guys might be more effected by this than what they think.

**Darrell Williams, Zone C**

I don't think there is a lot I can add to what Steve said, I think he summed it up pretty good. I guess one of the biggest frustrations I see and this is last year, the triple line was moved to the six-mile line and now you're wanting to make fives to the twelve. Between the six and the twelve. It's not an efficient way to fish. You are going to spend all fall lugging gear around in your boat just to make up different threes or fives. Now we have to go to fifteens and stuff like that. Like I said I can't add a whole lot more to what Steve said, I think he summed it up pretty good. I am opposed to it, anyways.

**Ryan Larrabee, Zone C**

I can repeat everything everyone said, but no need for that. The biggest problem I see with this is that the increase in end lines. My biggest worry is in the future if we have an entanglement up around Mount Desert Rock you're going to see a complete closure. If that's what everyone wants to face in the future, then I guess have at it. I'd rather be able to fish out there I guess. If we have an entanglement, you already have Canada that is completely closing areas down and making their fishermen move. If we have an entanglement we're going to end up following suit, so these guys want to think about that. If we have an entanglement they won't be fishing from the whale exemption line south, period. Keep that in mind.

**Sam Hyler, Zone B**

I just want to reiterate what some of these other guys have said and what Steve commented on with the cruise ships. I fish in this area southwest of the tract and year after year there are more visits and it is devastating to our gear. I used to run a mix of fives and fifteens and last gear went all in on fifteens with two ends and didn't lose a trap to cruise ship traffic. That's good for me and I think it is good for everyone who fishes in that area. To change that and go to fives is going to cost us a lot to re-rig. It's going to cost us a lot when we have to replace stuff. The lost income as well. It's just a lose, lose for everyone just to appease a few who don't like to see 200 trawls in the water. It shouldn't be an emotional decision It should be based on what works well and economically feasible.

**Abe Philbrook, Zone B**

I haven't been fishing offshore for super long, but I understand that this fishery has changed an incredible amount even in the last five years. Part of that change has been a lot more lobsters in a lot more areas. Guys fishing much heavier offshore than they used to and that's created a lot of tension. People have been trying to catch up with the changes in the fishery. One massive change we've noticed in the mouth of the tract and southwest of it has been the amount of cruise ships and how that problem gets steadily worse every year. It used to be fine to fish fives and I understand guys preferring fives, but if you fish a large portion of your gear down there it just doesn't make sense. Going forward, the way the industry is moving, I think trawls overall make more sense. Personally, I want to fish trawls for a variety of reasons. The biggest reason in this area is not lose gear to cruise ships.

### **In-Favor (3)**

#### **Jason Joyce, Zone B representative from Swans Island**

The numbers came back from my district 79% were in favor of this. There is a reason for that. There are a lot of guys who voted on this, who used to fish down there and they know what traditionally was done there. Some of the guys I hear, that traditionally fish there, weren't there a generation ago. My family was there for four generations, in that area. I've also heard that it doesn't effect anybody on the zone council. I fish down below that-I haven't within the last two or three years because it has been a cutting hole. Anybody that goes down there it has been a pretty good sized trap war. There are a lot of Swans Island guys fishing down in that area. Not necessary all the way down to the 675, but that effects a lot of the area. The exemption one of the fellas talked about, that they really wanted, if they'd had that exemption you've got about a three-mile swath just outside of Swans Island. Not Cranberry Island, but Swans Island that would've got saturated. If it went all the way across, fine. But my opposition is being on the zone council and representing 75 license holders on Swans Island. I am not in favor of an exemption just outside my towns back door step, so that's why I oppose that exemption. My whole feeling on the whole thing was either we do what had been hammered out at that first meeting of the 675, which the zone council voted unanimously for or nothing. That's why I was personally against that, because it made us a stepping stone. That was not good for my island. Anyway, I am in favor of the five-trap limit.

#### **Joshua Joyce, Zone B**

I am in favor of this. I do understand the hesitation for some. I've fished most all of this area at one point or another in my life. I've been able to do fairly well with fives. I do want to point out that zone c has been a printing press for lobster licenses, which is their choice, for a long time. I've had no say in that whatsoever and that's affected me. That's affected me quite a bit and not just me, most of Zone b. But I've had no say. I'd be embarrassed, I guess, to try to overturn what a neighboring zone wants to do. I understand they've had free reign for quite a while. I've got five kids, I am not going to feed three and then say to the other two go somewhere else to eat. I am sorry that Zone C can't hold or support all their fishermen, so they've got to go to opposing zones to do that. Sorry it's just the way that is. I do support this.

#### **Zach Lunt, Zone B**

I am in favor of the fives because I fish out that area quite a bit and the trawls are so big you can't see either end. They get on top of you and they crush your gear. Fives and even tens would be somewhat reasonable, but when you usually fish around pairs and triples. Such big long trawls and so much of it,- it's kind of carpet bombed you really can't hardly fish it, so I've tweaked the way I got to fish. It doesn't seem right to let it open to another way to fish, when it wasn't fished that way when I started.

### **Neutral (1)**

#### **Phillip Torey, Zone B**

I fished my whole life since like 1990 in the area where we couldn't fish trawls. It used to be the old Hancock County trawl zone. A lot of the guys we fish with aren't here, but this turned into an issue down around Mount Desert Rock where all the gear conflict has happened. Cutting traps and the fights have taken place. We had to fish that way and believe me it does suck to have to fish 100 fathom buoy gear. We only had triples. Ebb tide does runs them all under. You do lose gear. We had tankers running through there. You drop your float down, grapple them up. Hold your line, you can haul them back up. It's a pain in the butt. What everybody that's not here would say is that when people sit up and say it

can't be done. We all say, well we've done it for 50 years in Winter Harbor, or whatever it is. The problem is half of our guys that have fished this zone, fish with zone A where we don't have this many problems. We go that way and fish with trawls. But you can't fish buoy gear in with trawl gear. It's just causes major, major issues. Down around the rock and all these areas when fishermen from other zones come in and you've got guys that are very set in their ways. They fished that way, their fathers have fished that way, they fish triples, they fish buoy gear, and they fish hard. Now you've got trawls on them. Also what goes on down in that area that I don't see towards the zone A area, is if everybody can fish trawls you get down along the rock in those areas you've got guys fishing trawls on an edge, some guys fishing trawls north and south. You've got a total cluster of all kinds of different stuff going on. If everybody is fishing on a number and you set behind another guy you know where his trawl is just because you know he is on that number. You get down in that area and go along and you set behind and you look and there are guys setting them in the complete opposite direction. That's a total cluster. I've actually gone to all trawls. I always fished all triples and now I've gone to all trawls. Now I have to go back to fishing all fives because that's what the guys in my area want to do. But as far as all the conflict and issues at hand, the guys that are fishing that way, that have always fished that no trawl zone are always going to be against that. There is always going to be conflict, there is always going to be fighting. Because if you look at the tags Zone B buys to fish zone c and then you look at the tags that zone c buys to fish zone b you are going to see a lot more tags coming into our area where these guys have always fished and that's where the conflict is going to be. I've fished on both sides and I am friends with guys on both sides, but that is the issue here. It's very strong both ways. Everyone is completely dead set and ready to go to war over it. Unfortunately that's where we stand.

**Written Comments:**

Comment period closed on June 1, 2018.

**Opposed (12)**

**Robert Hardy (license #10531), Zone C, submitted via email, May 5, 2018.**

There's been a lot of talk of zone B looking to move to a zone that only allows up to a 5 trap maximum out to the 675 line. I run a boat smaller than most and can sympathize with a crowd that doesn't prefer to fish 15 trap trawls. But what I'm pretty sure without a doubt would also say they haven't fished much further beyond the 6 mile triple zone. It came to my attention that fishing these deeper waters throughout the winter months on longer sets and tougher weather that a 15 trap trawl with two ends has made a big difference in gear loss going from losing over 100 traps a season that had to be grappled to never having to tow the grapple just steam to the other end to retrieve the gear. Also during the shorter days of the winter and harder conditions tracking down one balloon to haul 140 fathoms of endline to tend 15 traps is more efficient and time productive than 3 140 fathom endlines for the same amount of gear it's really going to come down to that at a 5 trap maximum out to the 675 is going to make a large portion of that zone unproductive and too costly to fish with the chances of retrieving a lost 5 at 100+ fathoms next to none and a rate of being able to haul 45-traps an hour down to maybe 25 traps an hour during lower catch periods unprofitable during the months of the season where these grounds come into play there is usually only weather windows of roughly 10-12 hours or a solid going and coming tide that can mean over the course of a day going from 450 traps to just 250 traps at which doesn't allow or figure time to retrieve lost gear shifting gear etc. with all that being said I could see the want for a legal compromise to keep the 15 trap trawls limited below at certain point that would in my eyes be somewhere between Mt. Desert Rk and the 6 mile triple zone and at which a point where it leaves the lower end of the zone productive to fish during the months of harsher

weather longer sets and lower catch periods where being able to turn over enough gear to stay profitable is essential.

**Ben Hardy, Zone C, submitted via email, May 5, 2018**

Just wanted to Write in about the changing of the trawl zone, That would be crippling to have to swap out to 5s we lose so many ends as it is, An snarls the second end has really helped out with getting gear back, the sink rope parting, seiners, cruise ships, going to 5s really would hurt, I fish 20s an have sense pretty much 2003/4, in zone b area, from out side triple line to fed area 3 line.

**Zachary Wight, Zone C, submitted via email, May 7, 2018**

My name is Zachary Wight, I'm a zone C fisherman out of Stonington. I am writing in opposition to the proposed change that would limit us to fishing only 5 trap trawls. I currently fish 15 trap trawls, and this would be an almost impossible change for me to make. Hauling 5 trap trawls with 140 fathom end lines would slow us down throughout the day to the point I could not get through enough gear to make the trip down there worth it. We also fish with two end lines as of now, which has allowed me to recover over 100 traps just this winter. With a 5 trap trawl we cannot do this, and trying to grapple in that amount of water is very rarely successful. Also with a 5 trap trawl, the gear isn't heavy enough for me to use the balloons I already have, so not only will I not be able to see my gear as easily, I will have thousands of dollars in balloons sitting on the bank. I also currently fish one piece groundlines, which cost 350 dollars a piece, not including the hour it takes us to make each one. I would have to cut all of these into pieces in order to comply with this proposed idea. On top of all of this, changing over to 5's will add 50% more end lines to the water, compared to fishing 15's with two now. Not only do I not want to pay for this, with everything else we have to do to protect the whales that seems to be counter productive. Nothing about this idea seems like a good one; I see absolutely no positive to come out of this. It is very frustrating that every year zone C fisherman find ourselves fighting to protect our livelihood. As our commissioner I would expect you to fairly represent all zones, and hope you will take this into consideration.

**Sherman H. Hutchins II, Zone C, submitted via email, May 16, 2018**

Here we are again, faced with zone lines being used to hold another zone hostage. This was proposed for no other reason but too discourage Zone C from fishing Zone B federal waters. If this is allowed it will add countless numbers of end lines. Over the years we have been forced to color marking our end lines, use sinking ground lines and breakaways. Fishing many more traps on a trawl too limit the amount of end lines in the water. Over time I have found by fishing two end lines on my fifteen trap trawls, it is very rare I loose any amount of traps. It seems however I am always having marker buoys ripped off by a passing tanker. With the second end line I am able to haul and reset the trawl with the break aways and marker buoys replaced. When I'm forced to fish triples or five traps on a line this is when I loose gear in large numbers over the course of the season. With only one end line, when the marker buoys are pulled off by tankers or passing vessels it's almost impossible to retrieve the gear. In most cases we try and snag it with another batch of gear, or hope that someone else will have a line come up with their gear and give you a call. Other wise this end line would be left to hang from ghost trapsfor years. Making trawl fishing with two end lines a very whale safe fishery. My point with this is just to say, as we sit in meetings up and down the coast discussing whale issues, I am listening to guys discuss what they could give up and what just would not work. And all of the ideas will come at a very high cost out of pocket, just as every other forced modification. So I strongly suggest that Zone B's five trap rule, which will add many more end lines, should not be on the table for consideration.

**Richard Larrabee Jr., Zone C, received via email, May 17, 2018**

I am writing this public comment in opposition to the 5 trap trawl regulation that zone B is trying to pass. I am a zone C fisherman that fishes into zone B. I fish a lot of deep water and 15 trap trawls that have 2 ends so that if a boat, tanker, or barge hits one end I can still get my trawls back. The tanker and the barge traffic where I fish is insane. If I were to fish a 5 trap trawl, I would lose my traps. Worse I would think the fisherman next to me cut me off! It will create trap wars on a new level. I fish a lot of 600 foot holes and no one in their right mind would fish a 5 trap trawl. It's not profitable. Even though the state doesn't care about the economics of this, I do. It will cost me \$7,500 to 10,000 in rope and \$4,000 in anchors. This is not 1985. Although the price is the same bait is not \$15.00 a box, it is \$85.00 a box, fuel is not \$.85 a gallon it is \$2.85 a gallon! It cost a lot to go fishing in 2018 why put us further behind! I have spoken with a fisherman from zone B and was told that the issue isn't everywhere we are fishing, it's closer to Swan's Island. (50 Fathom Edge) State licensed boats voted on federal waters. This seems unlawful. It is like letting the Russians vote in United States elections! Move the trawl line in B to the 50 Fathom Edge! The DMR has put one zone against another with these lines and it is creating a war!

**Richard Larrabee Sr., Zone C, submitted via email May 21, 2018**

I am a fishermen who fishes zone C primary, and zone B secondary. I am opposed to the 5 trap trawl limitation because this would not be feasible economically due to the additional rope, the additional time involved and gear loss that would be astronomical mainly because of sea traffic. Due to the triple zone that zone B has put in place, putting in a 5 trap trawl would only increase the departments patrol time and taking away valuable time from all the other zone patrols. It is our right as federal permit holders to fish trawls in area one. What would give zone B the right to limit our federal permit and bare the additional cost of the patrol time?

**Virginia Olsen, Zone C, Oceanville Seafood, submitted via email May 22, 2018**

I don't think I will make it to the Zone B hearing tonight...I think the other issue others are struggling with is this change would affect federal permit holders and those voting don't hold permits- For Me the biggest issue is we are looking to add lines in the water when so much attention is on the whale issue does not sound logical. I hope you find this Zone B request unpractical management at this time. Thank you for your consideration.

**Alec Phippen, Zone B, submitted at the public hearing, May 22, 2018**

I am writing this public comment to convey my concerns on the five trap maximum that is currently in the process of becoming a law. I am a 28 year old lobster fisherman and I only fish outside of three miles in the offshore areas for 12 months of the year. I oppose this proposal for a five trap trawl maximum. It is very clear to me the negative impact this would have on many other fisherman and myself. It would have a negative impact on me economically, efficiency related, safety related and on the new whale rules that will be coming up shortly.

Where I fish 100 percent of my gear west of Mt. Desert rock, we have a high volume of cruise ship traffic. I used to fish five trap trawls in this area back when there were far less cruise ships coming to MDI during the season. With less cruise ships during those years I still lost a good amount of traps due to that traffic. I switched to 15 trap trawls everywhere to avoid losing traps and it helped immensely. At this time now we have 180 cruise ships coming to MDI in the 2018 season. This is a 600 percent increase since the year 2000. In 2017 I lost approximately 20 end lines in the months of September through early November. This does not include the few that I lost in the months of July and August. If these had been five trap trawls it would equate to 100 traps. In the 2017 season alone I would have lost approximately

100-150 traps which would be anywhere from \$12,500 to \$19,000 just in gear. This also does not take into account the amount of time it takes to get new traps and rig up new ropes. It also does not take into account the emotional impact losing this much gear has on myself and my crew. It creates unnecessary stress in an already extremely stressful job. I would also have a high amount of lost wages due to less traps that I would be fishing. This would hurt not only my family and my business but my two stern men and their families. It would also take a great deal of money and time to re-rig all of my gear into five trap trawls. I have everything set up for two ended 15 trap trawls presently. This five trap trawl law would greatly impact my ability to provide for my family.

As far as efficiency goes, this five trap trawl law will make it very difficult for me to effectively get through my gear on a regular basis. It becomes difficult to haul gear the deeper you fish. It will add hours on to my day which also equates to more fuel burned to haul the same amount of gear. This five trap trawl law would make it extremely difficult for me to do my job effectively and I hope that this will be taken into consideration.

I believe that two ended trawls are a safer way to fish traps in deeper water (50 fathoms and deeper). There are 33 percent less end lines fishing 15 trap trawls over five trap trawls. I have had no accidents aboard my boat fishing all 15 trap trawls and I strongly believe that is due to less end lines going back out off of the boat throughout the day. If we have to start fishing five trap trawls it will get very dangerous in the months of October and November when we would be re-rigging all of our five trap trawls into two ended 15 trap trawls or more in order to shift off outside of the 675 line. It is much safer to pick up trawls and move them quickly rather than trying to re-rig everything. It is also a great effort breaking all of our two ended trawls back down into five trap trawls for the summer months. As far as messes go with other fishermen's gear, I have found it much easier to un-snarl my 15 trap trawls with other two ended longer trawls. There are far less messes with end lines. It is also much easier for a group of fishermen to set a lot of gear around each other using 15 trap trawls with two ends because it is very easy to see exactly where someone else's gear is. There are far less messes over all with two ended 15 trap trawls compared to five trap trawls. Two ended longer trawls allow more fishermen to effectively set around each other with fewer conflicts. It is my belief that going to a five trap trawl maximum could ignite gear conflicts amongst fishermen. This could be not only from more messes but also due to the unintended consequence of gear displacement. With less long trawls fishermen will be forced to set other areas that could cause conflicts amongst fishermen. To me this seems like an unnecessary law to put in place especially after all of the conflicts that there has been to the west of Mt. Desert rock.

I think that implementing this five trap trawl law at this time would also be very unwise due to the new whale rules that are rapidly approaching this industry. This law would add 33 percent more end lines for fishermen who currently fish 15 trap trawls. It would add 50 percent more end lines for fishermen who currently fish 20 trawls. It would add 50 percent more end lines for fishermen who currently fish 10 trap trawls. This couldn't come at a worse time for this industry. Zone C allows for longer trawls in much of their zone outside of three miles and zone A allows for them everywhere outside of three miles. This is the direction this industry is going and I believe it will only cause problems going to a five trap trawl maximum.

**Abe Philbrook, Zone B, submitted at the public hearing, May 22, 2018**

I am a 22 year old fisherman from the Cranberry Isles. I have been fishing full time out of high school and in the last 2 years have been fishing exclusively offshore. It is my belief that the fishery is heading in the direction of being a primarily offshore fishery with the warming inshore waters and subsequent

migration of the lobster population. I plan to fish only offshore for the foreseeable future due to the changes I have seen in lobster behavior and molt schedules. To do this effectively I face a number of challenges that are unique to offshore fishing and more specifically the area west of Mount Desert Rock that I primarily fish. One, the added time and money it takes to steam offshore and rig our gear to set all 800 traps in 350-700 feet of water. Two, the high concentration of large ship traffic (mainly cruise ships) that travel on the waters that I fish. Three, the high concentration of gear that has accumulated in the areas I fish. It is my belief that these three issues are easily and most effectively remedied by fishing 15-20 trap trawls with two end lines. I believe that the implementation of a S trap maximum to the 675 line would have a devastating effect in zone b for those who fish this area and eventually those who fish to the east and west of it.

Right now I have 52 15 trap trawls and 1 20 trap trawl in the water. I fish this gear configuration for 10 months out of the year, and break half of them down into triples for the 2 months I fish above the 50 fathom edge. Fishing all trawls has helped me develop a system that is safe, economical and efficient. I believe that with a proper setup and communication with other fishermen fishing trawls is the most effective way to fish lobster gear. The evidence for this is very clear. One just has to look to every other zone in the state. In zone A people fish almost exclusively 20 trap trawls from the 3 mile line out, the same goes for C and D where it is allowed. I have spoken to many fishermen in these areas and they all agree that trawls help them to fish more efficiently, effectively and safely. I believe that the fishermen who have resisted switching to trawls in zone B are simply resisting the change that has happened across the rest of the state. Most younger fishermen in zone B who fish offshore fish primarily trawls and see it as the way forward. If I were to switch to fishing 5's from the 50 fathom edge to the 675 line I would have to re-rig my whole gang twice a year when I bring all 800 traps below the 675 line for the winter months and when I bring them back up for the late spring and early summer. I would be adding 33% more end lines into my gang that would require more buoys and rope to maintain, adding more cost to an already expensive industry. I estimate that my total added cost in the first year just to re-rig to 5's will be \$6,300. I would have to re-rig my gang during the worst weather of the year in November and December that would create longer days on the water and add more risk to an already dangerous job.

The biggest issue with switching to S's in the area west of the rock would be dealing with the cruise ship traffic. From the 50 fathom edge down to the 675 line I fish all 800 of my traps for the best part of the fishing season, September through November. I start my gang at the mouth of the cruise ship track that runs into Bar Harbor and fish all the bottom to the SW of it.

In the past it has not been a problem fishing 5's in this area because there hasn't been as much traffic. But as you can see in the chart below the amount of visits has increased 300% in only the past 4 years. Last year while fishing my gear configuration of 53 trawls I replaced 20 sets of buoys on my end-lines in September through November. While it was expensive to replace all the buoys I didn't lose a single trap during the best months of fishing. If this had been 5's I would have lost roughly 130 traps considering I would have 33% more end lines exposed to the cruise ships. Even if I were to replace the traps the next time I was out to haul I would still lose 2 hauls out of 130 traps in the best months of fishing and lose the 130 traps and their ropes.

Year	Visits
2000	30
2014	60
2016	117



2017 165  
2018 180

I estimate that this would cost my business roughly \$27,500 in two to three months. This would also add 130 ghost traps and their ropes to the bottom of the ocean every year. This problem will only grow with the addition of 15 more visits this year and more in the future. I believe the only people who truly see how devastating this will be is those who fish exclusively this area (such as myself) and have witnessed the drastic changes there have been in the last 4 years.

This kind of economic impact by fishing this area will force me to change my fishing practices to avoid such losses. However in doing so I, and others will be forced to relocate our gear to other areas in which there is already a high concentration of gear. The problems this will create are unknown but easy to speculate on. Moving gear out of productive areas and into already congested areas will definitely lead to social issues with other fishermen. The area around the rock and to the west of it has been known to host serious social issues between fishermen. These issues seem to have been resolved in last couple years. I believe that since so many will be forced to change how they fish there is a strong possibility these issues will resurface. No one wants this to happen.

I believe that the zone B council and most zone B fishermen have no idea of the problems facing the fishermen who fish primarily in the areas SW of the cruise ship track and west of Mount Desert Rock. This area is fished hardest by young fishermen from zone B who have decided to not push in around the more traditional bottom of the rock to avoid gear conflict with other fishermen. However, the most amount of gear in this area is from zone C who have no representation from the council. One thing the council thinks this trawl ban will do is discourage zone C fishermen from fishing in zone B. After talking to many zone C fishermen I believe this will have no effect on what zone they fish, only on where in zone B they set their gear. It is also the opinion of several zone C fishermen that this will encourage more gear to be brought into zone B. I believe even though a majority of zone B fishermen are in favor of this proposal, many of those who voted for it have no idea the true impact it will have on the fishermen in the western half of the zone. At all 3 public hearings the council seemed unconcerned with the issues of the western fishermen and dismissed our efforts to put forward an exemption for the western half of the zone. If they had been willing to compromise even to reinstate the old Hancock County trawl line which worked for everyone for decades most of the problems would be significantly reduced. It is my hope that we can either find a compromise in the 675 line or simply keep things the way they are. I believe a state led effort to find an acceptable alternative could produce a positive outcome for everyone.

**Steven Philbrook, Zone B, submitted via email May 29, 2018.**

At the public hearing Ms. Ellis mentioned that the department wanted to hear any possible solutions/proposals concerning the 5 trap trawl limit. I mentioned two in my public comments. But the simplest change to this proposal would be a line starting on the eastern edge of the cruise ship channel on the 6 mile line and running north-south to the 675 line. (see attached chart with AIS data) This would accomplish two of the biggest points of contention, 1. appease those who do not want trawls north and east of the rock and 2. give protection to the fishermen who have to contend with the ever increasing cruise ship traffic.

I believe this compromise would satisfy the greatest number of people and have the least amount of unintended consequences. As I mentioned to you in our conversation before the Zone B council

meeting this compromise was supported by Chris Moore who was the individual that brought the original proposal to the zone council. He and several other fishermen were concerned that trawls were coming further east from Zone A and that there were trawls being fished north of the rock and east of the track. He was indifferent about trawls being fished west of the cruise ship track and understood why we fished them there. Unfortunately for us, a total trawl ban started to garner support and momentum when the zone council got the idea that this might slow down effort from the neighboring zones. As you know this issue is Concern number 1 with the zone council and the majority of Zone B fishermen, hence, this proposal did not become specifically a "trawl" issue but a "means to slow down effort from the other zones" issue.

There are several other compromise solutions. The pending rule could be contingent and thus postponed until we determined whether an extension of the cruise ship track is possible. Since the distance is so great from the 6 mile to the 675 this might mean that the southern border of the line would have to be moved north, from to the 675 to some other point (the Hancock county trawl line ran through Mt. Desert Rock which is on the 695 line).

Obviously, I would like this proposal to not pass. I envision in the near future when we will be fishing trawls all the way to the three mile line or even the exemption line because of whale regulations. Patrice Mcarron said at the most recent whale meeting here in Northeast that we "got credit for going to trawls" in the last round of whale regulations and thus, avoided further measures. If reducing end lines is the goal of everybody (and staves off further regulations) then the sooner everyone gets on board with fishing longer, double ended trawls, the better off we will all be. I know these changes are hard for some guys, traditions die hard, but new traditions are started everyday. I have seen so much change in the lobster fishery in the last 5 years. I have adapted and changed my business model and practices more in the past five years than in the previous 23. I expect that I will have to change it multiple more times before my career is over. I view the changes I've made as being progressive and positive adaptations to the changing environment in which I work. Going to a five trap trawl limit at this time, in light of all the issues before us, would be a regressive change and I believe would set us back as an industry. It will make us less adaptable and make the inevitable changes down the road that much more difficult. I appreciate your consideration of my comments. I would gladly talk with you about these ideas at anytime.

**Donald Jones, Zone C, submitted via email, June 1, 2018**

I am opposed to the proposed rule. It doesn't have anything to do with lobster conservation or safety. Zone C fishermen have a right to fish 49% of their traps in Zone B. The area of the proposed rule is bottom that some of us have always fished, going back to before the zones were even established. A lot of us, including me, trawled up our gear to 15-trap trawls because the whale rules required that minimum outside of 12 miles. We adapted our operations to safely handle longer trawls on our boats. And we invested a lot of money in rope, fabricating hi-fliers, and outfitting our boats to handle the trawls. Taking the vertical rope out of the water is an advantage, because of whale rules and boat traffic.

I am not giving up the bottom. My business, which includes supporting 2 sternmen and their families, depends on the income from the lobsters I catch in that area. If this proposal is approved I will not reduce the number of traps on bottom, but I will increase the amount of vertical lines in the water. I think all of the other Zone C lobstermen already fishing there will also stay in the area. The additional endlines will result in more parted off traps from tanker and cruise ship traffic as well as gear conflicts with midwater herring boats.

Not allowing 10- or 15-trap trawls in this area is outdated thinking. The lobster fishery has changed a lot, the amount of lobsters has increased, not only in landings but also in the amount of undersized lobsters we see every day. To be successful in this business or any fishing business you have to adapt. You can't make a clock run backwards in this day and age.

**Peter Philbrook, Zone B, submitted via email, June 1, 2018**

I am writing in opposition to the lobster trawl limit proposed by the zone B council.

I'm 20 years old and have been lobster fishing since I was 8. I spent my first ten summers fishing only singles and pairs close to the shores of Islesford. In 2016, I worked for my dad, Steven, during the fall, winter and spring. In the spring of 2017 I saved up enough to buy a new boat and federal permit and started fishing full time on my own. This previous fall, winter, and current spring I fished all my gear in the federal waters 4-6 miles Northwest, West, and Southwest of Mount Desert Rock, a little south of the 6-mile line down to the 675 line. I fish all 20 trap trawls in this area. With that background covered, my main message of this letter is that trawl fishing is the way of the future for the lobster industry. Here are my reasons why:

**Gear loss:** Every year in the Gulf of Maine, thousands upon thousands of traps sink to the bottom of the ocean, never to be recovered again. This is not good. The ocean floor is being filled with plastic, and lobstermen are losing lots of money from gear loss. Last fall, in August and September, I fished about 300 traps as triples outside the 3-mile line. During an eight week period, I lost five triples. This is not an abnormal amount to lose during the high lobster boat and cruise ship traffic months of the late summer. However, since I trawled up in late September and October, I have not lost a single trap, despite losing 13 buoys and toggles from cruise ship traffic. If I have to fish fives in the future, I will be signing up for thousands of dollars lost in gear replacement and lost profits from catch or will have to move to another area, which could cause other problems. The bottom line is, I simply do not lose gear from boat traffic when I fish trawls.

**Space:** With more and more fisherman choosing to set their traps in deeper water, we must adapt our fishing practices to accommodate more gear in smaller areas. Some argue that you can fit more gear and accommodate more fisherman in an area with fives than you can with trawls. This could not be further from the truth. My 20 trap trawls span 1200 feet, in one simple straight line, with two buoys on each end. With this double-ended setup, another fisherman can easily see where my traps are, between the two ends. If another fisherman wants to set a trawl next to mine, as long as he runs in the same direction, he can set his gear super close to mine. However, with a five trap trawl, because you only have one end, there is no way for a fisherman to tell what direction the trawl is running, thus, you need to give that buoy a wider berth. Multiply one five by the four it would take to equal a 20 trap trawl, and that's lot of wasted space. From my experience, I estimate that you can easily fit double the amount of gear in an area with 15 and 20 trap trawls than you can with fives, all with less end lines cluttering the waters. With fisherman steadily filling up the offshore bottom, guys are going to start running more trawls because they can fit more gear in less area with less conflict.

**Efficiency:** Trawls are simply the fastest way to haul gear. Back in the fall, when I was fishing mostly triples, if I wanted to haul through all 500 of my traps in one day, it would take 10 hours of straight hauling on average, even with my gear close together to eliminate time wasted cruising to the next buoy or string. If I had all fives it would probably have been around 8.5-9 hours. That's considered pretty darn quick by most guys' standards. However, with my 20 trap trawls, I could haul all 500 in less than 6 hours without even pushing the pace too hard and with only one stern man. Many people I talk to cannot

even fathom hauling at this pace, but when you only have to gaff 25 buoys, haul 25 end lines, and spin around and find your spot to set 25 times, versus the 100 it would take with fives, a LOT of time is saved. The new generation of lobstermen seem to be all about speed and efficiency with faster boats, bigger haulers, and shooting traps off the back with open sterns. More and more young guys are going to choose to fish trawls simply because you instantly save so much time and energy just by putting more traps on a line.

**Simplicity:** This may not as powerful of a point to some, but having all trawls makes my setup so much more streamlined. I only have to worry about maintaining 50 end lines and buoys a year. My rope and buoy pile is a lot smaller and neater. If the tide is ripping hard, I only have to worry about fighting 25 buoys to haul 500 traps. With lobstering getting bigger, better, faster, and more hectic, more guys will be looking for ways to simplify their operations.

**Message to the five guys:** I will say this, that trawls can be a steep learning curve. Personally, I have only been fishing trawls for nine months and before that I had only fished singles, pairs, and triples. When I hauled my first trawl, I was anxious to say the least. The rope was under a lot more tension than what I was used to and I almost thought something was going to break under the pressure. Cringing, I tentatively worked the hauler lever to reach the bottom of the endline. After 15 traps in, the tension lessened and I was more at ease. After I spent a few weeks hauling like this, I eventually became comfortable with the extra strain on the rope. However, when I had my first tangle up with other gear, I almost had a panic attack. I was used to fishing pairs and triples where I could simply brush off other fisherman's lines without causing any damage to gear or my own body. Was I going to put my hand anywhere near that line that's wrapped over my trap, with hundreds of pounds of weight that could rip my finger off or break my arm? I surely didn't want to. Luckily, I had learned a few tricks from watching my dad untangle traps with a heavy amount of strain, but I had never practiced them myself. I had to take the time to master these skills. This was a process that took several months and a few stressful situations, but now I'm at the point where heavy tangle ups don't cause me stress and I can deal with them safely and quickly.

I think a lot of guys have experiences similar to mine, but they don't ever learn how to properly deal with the strain when there's a tangle up. They have to resort to cutting lines, simply leave the mess for the next guy to deal with, or just give up on fishing trawls all together. I think this is unfortunate, because now that I know how to fish trawls properly, I have saved so much time, effort, and money by fishing trawls that I never want to go back.

### **In-Favor (11)**

#### **Samuel Joy, Zone B, submitted via email May 22, 2018**

This is Samuel Joy from swans Island license number 6497 and I'm for the rule making for 5 traps be the maximum to the 12 mile line.

#### **Chris Moore, Zone B, submitted via email May 23, 2018**

My name is Chris Moore, zone B , license number 5525. The zone council and referendum should be respected. We always had a trawl line in zone B , long before the guys that are against this have even fished. It was there for a very important reason , the problems are happening because of the lack of the line.

#### **Shane Carter, Zone B, submitted via email May 26, 2018**

My name is Shane Carter. I am a fisherman from bar harbor and zone b. I have fished offshore on the a and b line for over twenty years. We always had a trawl line which was enforced and adhered to. The line made more fishermen able to fish the limited bottom available. The argument that trawls are a historic fishing method is not a fact. I am totally in favor of the proposed rule.

**Jim Hanscom, Zone B Council Member, submitted via email May 27, 2018**

As a zone B council member I feel it is the commissioners responsibility to put the requested trawl ban into affect. We have heard from dozens and dozens of ZONE B fishermen complaining about the use of 15 trap trawls in this area and how it's made virtually impossible for everyone fish together and have heard from only 6/8 guys in favor of keeping the 15 trap trawls allowed in this area. However I realize the DMR has heard from many zones A and C fishermen also in favor of keeping the 15 trap trawls but this is a ZONE B issue and they should have no say in this matter nobody is saying "you can't fish here" there just saying this is how we want it in OUR ZONE!! Isn't that what zones are for? Furthermore this should not create conflict (or simply shouldn't be allowed to) will the feds/whale people whereas 5 trap trawls already meet the guidelines/requirement for whale compliance in this area,guys are just simply fishing 15s because they can. The original "Hancock county trawl line" was far south of where these guys are now fishing trawls to today and that should be recognized. Lastly as a zone council we had 3 different public meetings one with the commissioner present and even he was able to whiteness 40 or 50 guys wanting the new trawl ban and 6 or 8 wanting it to stay as it is. The ZONE B council then voted UNANIMOUSLY to send this to rule making. He then told us we must send this issue out to a "referendum vote" so we did that... the referendum vote came back just as we suspected with the MAJORITY OF ZONE B (because this our issue) voting in favor of a trawl ban. The people of our zone have spoken we have done what we were asked of by the commissioner and have done our jobs as a council if this dose not pass I feel it is a complete undermining of our zone council and the reasons for even having zones. Thank you for your consideration.

**Zachary Lunt, Zone B, submitted via email May 27, 2018**

I am a zone b lobstermen writing in favor of a 5 trap maximum in an area inside of our zone b federal waters . In an area I've fished since 2002 . However I haven't been able to effectively fish there in several years due to the fact trawls have bullied me out of the grounds. I fish with one sternmen and also trawls dumped on my gear has led to the groundlines crushing my gear or making it impossible to raise them up. All of zone be northwards of the six mile line are fished with a mix of triples pairs and singles and fishermen from area have always fished that same way in the outside grounds . A group of fishermen now fish only trawls and only outside the six mile line and have bullied the guys out who have fished buoy gear or non trawl gear from the grounds. I do fish federal waters but I think the trawl fishermen have negatively affected the entire zone with such a strong offshore effort less lobster is making the spring migration to the inshore grounds. Please respect the 70+ % that voted for a 5 trap maximum in zone b thank you

**Chris Hodgkins, Zone B, submitted via email, May 27, 2018**

I'm a zone B fishermen writing about the 5 trap limit rule. The 5 trap limit is what we as a zone voted for. They're safer for smaller boats with less crew. There's less conflict with gear between fishermen fishing from different areas. Traditionally it was pairs and triples there anyway. The zone voted without a doubt to be in favor of the 5 trap maximum don't let outsiders tell us how we can run our zone.

**Joe Lunt, Zone B, submitted via email, May 27, 2018**

Im writing to support the 5 trap maximum in zone B. Me and my family have been fishermen in the Frenchboro area for over a 100 years and in recent years have seen a decline in spring production which

some of us theorize is contributed to by the increased year round effort in the offshore zone. Seeing that in recent years there has been discussion of ways to reduce effort I feel trawls would work against that goal by allowing people to haul more gear every day. I also think they would force out the smaller boats that traditional fish in the area because they can't retrieve their gear do to being set over. Trawls lead to more conflict do to different fishing philosophies which leads to tangles from gear getting across one another. Having voted with the majority of our zone I hope we can continue to fish in a closer to traditional style.

**Chris Candage, Zone B, submitted via email, May 29, 2018**

With the increased fishing effort offshore, the 15 and 20 trap trawls have become very difficult to fish around and very dangerous. A couple of guys can hog up the bottom, where a dozen guys could fish with 5 traps to a line. Historically, on a lot of the bottom...to the Hancock County Trawl Line, trawls were not permitted and life was good! Bed lines that go a quarter to a half mile long make it hard to not set on each other. When this happens it is very time consuming and chews up much of your work day getting things straightened out. When a trawl is in top of another, one ends up with sawed off traps, crushed traps, bed lines sawed in two, and broken hauler bolts. Often, you can't even get your traps off bottom if there is more than one trawl dumped on top of yours. It is a nightmare all the way around. If you have to mess with a couple 5 trappers, it is an entirely different situation and doesn't feel like the end of the world.

**Alton Pinkham, Zone B, submitted via email, May 29, 2018**

My name is Alton Pinkham lisc. #1476 federal permit #152027 I fish out of frenchboro in a 32' boat. Just outside the three mile line guys had been putting 15 trap trawls wich are impossible to deal with in the smaller boats many guys from the outer islands are utilizing. Zone c is a huge problem for my generation fishing in zone b. They have taken advantage of zone b for far to long. This rule is one that will help zone b fishermen dealing with the ever growing problem of zone c traps coming into zone b. It will allow island fishermen to continue traditional fishing methods and help the younger generation who are just moving offshore. I strongly support extending the 5 trap maximum line and hope the commissioner will agree with the zone b council allowing us to manage our own zone.

**Carlton Joyce, Zone B, Swans Island, submitted via email, May 30, 2018**

My name is Carlton Joyce. I am 79, and one of the oldest and most experienced living fishermen on Swans Island. I began fishing full time after I returned from my service with the U.S. Army in 1962. I fished with my father when i returned home from Germany and immediately started building a gang of traps (out of wood of course). Within a year I was fishing on my own. In the fall and winter I fished offshore in the proposed 5 trap trawl area, and did so into my late 60's. I continued to fish the fall within this area until the sinking rope and my old age became too much of a hassle and now I stay up inside the whale rule exemption line. The traditional practice for this area was always pairs and triples, but occasionally over the years I fished longer trawls outside the clay bank if I was alone in the area. If anyone showed up, I would move outside further, but generally we fished triples in this area for all of my career. Please support the 5 trap trawl limit.

**Wyatt Beal, Zone B Council, submitted via email, May 30, 2018**

I am in favor of the 5 trap limit proposal for the area. My Zone, District 7 voted 100% for the 5 trap limit. I have fished the area since 1987. In that time I have fished the Tanker Bottom with pairs and triples and Clay Bank with 5 trap trawls. I was the only one there for years until about 13-14 years ago when trawls started to show up in big numbers from 4 miles out to Clay Bank. It was Zone C fisherman with at that time all 800 traps. I brought it to the DMR's and Zone Council's attention. That in turn brought on

another meeting in Ellsworth City Hall that I attended as Zone B- Frenchboro representative. A lot of Zone C fishermen were there along with Commissioner George LaPointe and the DMR to discuss a gray line or other alternatives. Our zone hung tough for a 51-49 rule. Then trawls continued to come our way with no stop or slow down from Zone C, with an open zone until last year when they went to a 1:1 ratio. With trawls coming, and me with 5 traps, I had to move east, more to the rock, in the deeper water and west of the rock. In the last 2-3 years more trawl gear of 10s and 15s have shown up. I have been moving for years away from trawls, it is about time it stops. Trawl gear and buoy gear do not work together. Two to three guys working together with trawls can box you out and off from a piece of bottom. I urge you to go with the Zone B Council's recommendation (vote). Thank you.

### **Neutral (1)**

**Wade Faulkingham, Sr., Zone A, (license #1380), submitted via email, May 3, 2018.**

This should be a rule/law in all zones. No trawls from 6 miles inward to land. This should be voted on by mail in ballot in all zones.

### **Department Response to Comments:**

This rule was initiated by the Zone B Council in accordance with 12 M.R.S. §6447, which gives all councils the authority, upon approval in a referendum, to propose certain rules to the Commissioner. Accordingly, the Zone B Council proposed to limit the number of lobster traps on a trawl to a maximum of five within the waters of Zone B from the six-mile line to the 25675 line. The proposal was supported by over 2/3<sup>rd</sup>s of Zone B license holders voting in a referendum conducted in February 2018. On April 25, 2018, the Zone B Council reviewed the referendum results and voted unanimously to recommend to the Commissioner to advance this proposal to rule-making. Upon review of the proposed rule, which would affect fishermen from multiple zones who fish the area, the Commissioner decided to hold a public hearing on the proposal. On May 22, 2018, the Department held a public hearing to obtain feedback on the proposal. The Department also accepted written comment on the proposal until June 1, 2018.

Those in favor of the proposal contend that the rule should be adopted, because the results of the Zone B referendum indicate clear support and the Zone B Council voted unanimously to move the rule forward. In addition, those in support note that the area has historically been fished using shorter trawls and they have been impacted by the fishermen fishing longer trawls in more recent years.

Opposition to the proposed rule focused on the fact that for some current fishermen, it would not be practical or feasible to fish 5-trap trawls. Commenters pointed to a variety of factors (i.e., increases in cruise ship traffic and fishing with other trawl gear) that have necessitated fishing the area a certain way, and they have adapted their practices accordingly. They also indicated that individuals who choose to continue to fish in this area using the 5-trap trawls will need to break up their gear, potentially increasing the number of vertical lines in the water.

By law, the Commissioner may accept rules proposed by a Zone council as reasonable, or may reject the proposed rules as unreasonable. The Department's analysis of the Zone B proposal is that it is reasonable.

Individuals who do not want to fish in compliance with the 5-trap maximum because they do not find it practical or feasible may choose to fish outside the specific area. For compliance with the federal whale

rules, NOAA Fisheries requires a 5-trap trawl minimum, which is in place in the specific area. With regard to potential gear loss due to cruise ships, it may be possible for interested fishermen to work with representatives from the cruise ship industry to discuss the placement of the cruise ship track.

While the proposed rule has been determined to be reasonable, the Department acknowledges the lack of consensus both between Zone B fishermen, and between Zone B fishermen and fishermen from other Zones who fish the area. Several of the commenters mentioned the potential for compromise solutions and the Department believes that it may be possible through further conversation to achieve an improved outcome that would address the concerns of the multiple groups of fishermen fishing in this area.

The Department has delayed implementation of the rule until October 1, 2018 to provide affected fishermen with the opportunity to make necessary gear modifications. In addition, the rule has been modified to include a December 31, 2019 sunset provision. The intent of the sunset provision is to foster communication and compromise amongst Zone B fishermen and between fishermen in other zones that fish the area. Depending on the results of those communications, the Department will undertake rule-making prior to the expiration of the rule to either continue or amend the trawl limit area.