

## Written comments:

### Shawn Rich, Long Island

Please consider some of the proposed amendments for the Maine scallop industry.

The first proposal which concerns me most is the recommended days of the week. If you take into consideration the shorter season, the 52 allotted days, throw in weather, and gear maintenance, 52 days is the most you will be fishing anyway.

Taking away a fisherman's decision making on days he sees fishable, seems to me a risky proposal, not only to his safety but also his livelihood. Going back just two years – In 2006-2007 I fished 49 days and in 2007-2008 I managed only 36 days. Weather is the greatest determining factor in my decision making. If you limit my fishing to specific days either I go in weather I normally wouldn't or I don't go at all. Two options I find completely unacceptable in this business.

The other proposed amendment which seems completely over-kill to me is the three year closure. One – two years seem sufficient, putting into consideration gear modification and shorter season.

### Frank D. Rier, Jay

I think the DMR should address the issue with all the boats on the coast of Maine coming to Lubec and Eastport to fish out the scallops. They come and fish until the catch goes down so much they can't pay the fuel bill and then they leave. These same fishermen are the reason the fishery has been depleted in other areas of the state. They are cowboys. They just come in and take all they can get. In Cobscook Bay there is already a group of concerned local fishermen that do a great job of managing the resource. It's a shame that you can't limit the influx of the cowboys.

### Paul H. Farmer, Siren Shellfish, Cushing

I am writing to submit my comments for the rule making proposal regarding scallops. I believe that the proposed 52 day season with the days predetermined and the enormous closed areas will result in putting more fishermen out of business. I believe that the drag and dive fisheries should be managed separately as they have very different impacts on the scallops as well as the surrounding habitat in which scallops live.

I am a scallop diver who operates a boat out of Friendship. I am often the only diver on the boat, but sometimes take one other diver. We always have a tender. Last year I fished 65 days out of a possible 130. That is exactly half the days fished. We average 30lbs per diver per day. We planned on going 130 days last year, but we only able to fish 65 because of weather. Divers are only able to fish if the visibility under water allows it. It takes days after a big storm for the visibility to be enough to fish. If we are assigned 52 days, dragger's might get 40 and divers might get 26 days. Twenty six days is not enough to maintain markets and make a living. This law will definitely put the commercial scallop diver out of business. This law would give an unfair advantage to the dragger's, which don't need good visibility underwater to fish. Fishermen's lives would be put at an even greater risk if they can only go on the days assigned.

I also believe the enormous closed area will have negative impact on the industry. I am in favor of closed areas, but much smaller than the proposal.

I truly believe that drag and dive fisheries should be managed separately. I think that the dive fishery constitutes a very small percentage of the total landings and should be left alone. Divers harvest market scallops and leave seed scallops and the bottom the way they found it. Smart divers never go over 100 feet deep, and are generally less than seventy-five feet deep. There is a lot of bottom in state waters that is over 100 feet. Any scallops living at those depths are safe from divers forever. Divers are also limited on their bottom time due to nitrogen build up. Most scallop divers don't last more than a season or two, it is not a job for everyone. I know that scallop drags have a detrimental affect on the scallops and the bottom. Very young scallops and almost certainly killed when a 1500lb drag goes over them, the scallops that aren't killed are cracked and die later or are displaced and dumped where the drag is hauled back or the mat is dumped. Scallop drags also remove the feature of the bottom that scallops like most, gravel. Some areas the gravel is large and will not slip through 4" rings. Any dragger you ask will tell you he has gotten a bag full of large gravel and dumped it out of the traditional scallop area so he doesn't get it next time.

I feel that our area doesn't need these new extreme regulations, fishing effort in our area has been reduced dramatically, due to high fuel cost and low catches. I don't know of any dragger that went 52 days in Muscongus bay. I believe that the resource has rebounded with this reduced effort. I have seen first hand large areas of seed and believe that we have better years to come.

I am pleading with you to consider managing the two fisheries separately, and give the divers more days to fish. 52 days fished would not be a business ending season, but the divers need to be able to pick the days to ensure we really get 52 days. 25 days would put my boat out of business and me and my tender out of work. I think that scallop license holders should be required to do reseeding time. Collecting scallop seed out of the water column and planting it in the beds they fish. Muscongus bay doesn't need the management practices some other areas might.

### Paul H. Farmer, Siren Shellfish, Cushing (2)

I truly believe that the proposed regulations on scallop fishing are not the solution to the problem. These regulations are aimed at controlling fishing effort. In the midcoast region, effort is already under control and these regulations will put the handful of fishermen who attempt to make a living scalloping out of business, this is unfair. I have a 7 week old baby which I have to provide for and I am scared to death that these rules will prevent me from affording the necessary things for a new baby. The economy and seafood markets are bad enough right now. The DMR is apparently suffering budget shortfalls; all of the time put in on this regulation has already cost us. These regulations are feeding a need to do something to fix the scallop problem. Regulation is not always the answer. Codfish in state water have been tightly regulated for years with no sign I've seen or heard of improvement. What if these regulations don't help?

Please don't kick us when were down.

Please require reporting this year and assess effort in various zones before blindly making laws that will put fishermen in harms way or out of business.

### Paul Fischer, Cape Elizabeth

We do not need closures! The days maybe but, No Closures! We need this as a winter fishery. No scallop closures!

### **Tim Robbins, Deer Isle**

I don't agree with Mon, Tues, Weds. I don't have a problem with 52 days. Those days land on urchining days. [I] shouldn't be denied days because I hold both licenses. It's bad enough having to work by a calendar and forced to go out in a gale of wind. It's just not fair having the days fall on urchin days. Going to end up going for both with scallop drag, which I don't want to do because I'll probably kill more urchins than I keep with a scallop drag.

Closing areas is fine. The biggest problem with scallops is starfish. They appear to be dying off. Nothing left for them to eat. I don't see anything about drag size. I know there are sizes throughout the state. There should be a bag length. I think 200 lbs is too much. It would be good in my pocket but if this is a conservation plan that is too many pounds. 150 would be good.

### **John Higgins, Pemaquid**

While I appreciate the much needed attention that the DMR is giving our scallop fishery, I do not support this plan that reduces and relocates our scallop fishing effort. There is no scallop resource building plan for these closed areas. There is no plan for opening day of these closed areas, they are simply holding areas where harvesting begins after a 3 year closer time. I do not question the DMR's commitment to repair our scallop resource and fishery. This plan clearly illustrates the lack of funding the DMR receives to do their very difficult job. When you lack the funds to put forward a strategic plan to rebuild and manage Maine's scallop resource, as the legislators directed in LD 2071, you do what you can to stop the bleeding. This is a time of opportunity and we must resist the easier path that will provide only an opportunity for short term harvesting gains. To have success in a strategic plan to rebuild and manage Maine's scallop resource, it is imperative that the DMR, with their unfortunately limited funds, team up with their local scallop fishing communities just as they embrace our lobster zone communities to successfully manage our lobster resource. The scallop communities and lobster communities are one in the same, let's not draw new lines and re-invent the wheel here. The overwhelming majority of Maine scallop fishermen are lobstermen who scallop in the winter no further then 25 miles from their home port, returning each night with a valuable "day fishery product". Our scallop management areas should mirror the lobster zone lines.

The scallop communities must substantially increase their participation in this management effort and take part ownership of this resource problem and the solutions needed to repair our fishery, with participation comes authority. The Cobscook Bay Fishermen have clearly demonstrated the success that comes when teaming up with the DMR and taking ownership of a scallop resource management plan. The DMR MP has successfully enforced a daily catch limit, maximum drag width, minimum shell height, meat count and additional measures developed and agreed upon with this Cobscook Bay community. These efforts have helped produce a healthy resource and sustainable fishery and they are examples of successful measures that we should implement throughout the state, a plan I will aggressively and proudly support.

This current plan of 3 year rolling closures simply relocates effort. There is no plan to sustain or build on scallop resource growth that may be gained from within these closed areas. We can learn from our past efforts and failures when we used closure lines in Hancock County. These closed areas when opened were hit harder then ever with a concentration of dragging and diving efforts, just as these 3 year closer areas will experience. People who have never fished these newly opened areas will be there for the opening day, some because there area is now closed and others because the perception of there being scallops to harvest is present. These closures simply provide a chance at some limited harvesting opportunity. Let us not forget we have all agreed that the DMR MP could not successfully enforce the Swans Island closure area. I want to be clear here, I am not trying to point out a weakness in our MP efforts, they are the best in the business but they can not camp out 24 hrs a day to catch a low life crook. This Swans Island closure area was much smaller in size then any one of the six proposed closed areas. I am not saying a closed area can not be part of a zone management effort. I am saying a closed area in a zone management effort, where fishermen have some authority, will gain greater compliance and provide better surveillance of these areas, assisting and supporting the DMR MP. If we are going to draw lines let them not be these closure lines. Let us use the established community fishing ground lines that we call lobster zone lines to collect the support of these fishermen. The fishing operations of these fishermen are not confined to their assigned or primary zone. While the bulk of their fishing is done in their primary zone these fishermen fish in neighboring zones as well where more then an interest in the health of a resource is shared with fishermen from bordering communities.

With LD 2071 mandating a minimum ring size of 4 inches we will be protecting our juvenile scallops for the first time. Along with this 4 inch minimum ring size we should implement measures for all state waters that are consistent with the Cobscook Bay management plan. These measures will produce a strategic plan to rebuild and manage Maine's scallop resource. Let's not dismiss what is learned in the wheel house and work together for long term lasting success that my grandson's fishing community will be proud of and rewarded with.

### **John Higgins, Pemaquid**

The text that follows serves to amend the text I submitted at the Ellsworth public hearing on October 8, 2008. After attending the public hearings and meeting with several scallop fishermen and fisheries organizations, discussing our scallop resource and the DMR proposed rule, I support the following bulleted items

- A season limited to December 1<sup>ST</sup> thru Dec 23rd and March 1<sup>st</sup> thru March 29<sup>th</sup>. This limited season will meet the DMR targeted 52 day season. This two month season will address the industry concerns and objection to a Mon, Tues, Wed, Sat fishing day schedule. These selected fishing days of a week were the strongest objection to the proposed rule, with industry providing concerns for safety. Having this two month season will address industries primary objection, while meeting the DMR targeted season length.
- Official recognition of community scallop groups, providing the DMR a partner to work with. I use the term recognition intentionally to make the point that the DMR does not need to fund this community group as they do the lobster zone council process. This team of DMR staff, community fishermen and fishery organizations will address and determine stock assessment, harvesting, enhancement and predator control efforts. Both the DMR and our community fishing organizations have used the term area management regarding this proposed scallop rule. Many community fishermen have stated they are ready to make the fleet less mobile by fishing only in their zone and adjacent zone. The time is ripe for the DMR to make good use of this rare commitment by fishermen in effort reduction. The DMR scallop assessment zone lines share the same eastern and western lines as the Lobster zone lines, from A thru G, lending itself to workable marriage with our fishing communities and their offers of commitment. They match in the following order of Lobster zone letters and Scallop assessment zone numbers.

**A=1,2,3,4 - B=5 - C=6,7 - D=8 - E=9 - F=10 - G=11**

- Limit drag width to a maximum of 5 feet 6 inches and a head bail dia. of 1-3/4 inch. The drag width is a measurement procedure familiar to DMR MP and the diameter measurement is an extremely simple procedure with a set calipers.
- Support for the 4inch minimum ring size

## Gary Hatch, Owls Head

Maine's Scallop Rotational Management

The following is a presentation of another view on how to manage our Me. State scallop resource.

As we all know the scallop resource in our state waters is and has been for more than ten years less than fruitful. In an attempt to start rebuilding the stock biomass we first must have the areas that are known to produce scallops become healthy enough to produce spat that will replenish other areas away from the original closed areas.

Purpose; as these areas build they will start to produce spat that will flow out of the closed area into other areas that should define the layout of movement of spat. This in turn will start to define other areas that could be closed which will begin our system for possible rotation of our closed areas. If not we will know their movement and be able to monitor them to set fishing limits for specific areas.

First; however we must set these areas apart from the open bottom, so as to protect them from fishing pressure. We must use all the resources that we have available to us in order to help these areas reproduce as quickly as possible, reseeding, monitoring predators, checking for viruses, etc., as well as monitoring for the amount of recruitment that's being produced

Scope; With all areas at such a low level of recruitment, and even with what little fishing is taking place it continues keeping the biomass at such a low level we are not able to rebuild our fishery. In all likely hood the fishery will not rebuild unless we should have a large recruitment event from another source.

Secondly; We will have to pick several areas to close that are known for strong recruitment, that have good tidal flush as well as strong nutrients for feed. We will also have to format them in large enough areas so that the core of the area can be monitored by law enforcement bringing into play that the areas chosen be able to be monitored from shore as well as from the sea.

I'm sure that there will be hundreds of areas to be chosen, however we'll have to put our best foot forward on this and look to the whole picture and not our own snapshot.

For all practical purposes let's start with five areas spread out along the coast so as not to impact local fishing to the point that it closes fishing access to complete communities. These areas will have to be closed for many years, not one or two but as long as needed to achieve our objective, then closely monitored so as not to create an area of over abundance that smothers the area or allows a situation that builds a potential for a virus to form.

As time moves on, we more than likely will have to arrange a system for limited fishing in these areas to prevent them from becoming over populated, which would provide some economic influx as well as keeping populations at a sustainable level.

Area Format; Science has proven that the tidal flow in the Gulf Of Me. is from the east, so it will be imperative that we choose areas east very carefully as to start our recruitment from strong reproducing bottom.

AREA ONE: Starting at a point known as Howard Mountain dome in Machias south to the west end of Libby Island then south 180 degrees true to the state line (3 miles), then east along this line to the point of the west side of Double Head Shot Island touching onto the eastern shore of Scotch island east to land.

This area known as Machias bay not only is a very well defined Eddie from the tidal flow from the Bay of Fundy, It is well known to be a fertile scallop production area.

AREA TWO: Starting at Bass Harbor Light going N/E/E to Bakers Island Light, continuing East to the State three mile line, then West along this line to a point that the West end of Great Duck Island Lines up on the Eastern ear of Great Gott Island back to Bass Hr Light.

Another area of interest would be Spoon Island channel for future interest or as a community closure for Stonington area fishermen?

AREA THREE: Starting at the east end of Andrews Island south to the north west end of the three mile line exemption area south to the south west end of this line, west to Green Is. Seal Ledges, West to the Northern end of Metinic Island, then N/N/E to Two bush Light, back to the Eastern end of Andrews Island.

AREA FOUR: From the Southern end of Inner Heron Island North along the western shore to the southwest end of Rutherford Island, north along the shore to the northern shore of the South Bristol gut, Then N/N/W to the C9 Shoal buoy in East Boothbay then south along the shore to lands end at the eastern ear of Linekin Neck (the old restaurant) back to the start point.

AREA FIVE: Starting at the southern end of Lower Goose Island (Out side of Freeport) south to the north east end of Whaleboat Island S/S/W to the western end of Haskell Island then N/N/W to the north eastern end of Eagle Island, to the east end of States Island, North to the eastern end of Great Chebeague Island then back to the starting point on Lower goose island.

Though there may be many other areas that we could dose I feel these are spreading the closed areas over the state and not just one section. This will allow for many parts of our state fishery to begin rebuilding, as well as letting that area's communities to see if this type of system will work for them and if so how to expand on it.

Purpose; The purpose of the closures are to rebuild a central breed stock so that as these areas rebuild they will also produce spat that will flow out of the areas to reseed a larger portion of the area and in turn will allow some fishing.

At the center of this plan there will have to be a monitoring program for the closed areas as to make sure there aren't problems in the area. A good place to develop our monitoring program should be the closed area at the Damariscotta River, it's close to the Boothbay Lab and in my mind it may be a very active reproductive bed.

EFFORT CONTROLS: (HOT TOPIC) this will be something I'm sure will be a volatile subject but we must address at this time to insure that all is for not.

Drag; In keeping the weight and foot print of this type of fishing to an effective level for the class of fishing vessels in the fishery it would seem that we would turn to the side of caution?

With this in mind it would seem that the maximum drag should be in the six to seven foot size with a (1 ¾) to (2) inch bale size.

Rings; As we fish extremely hard bottom we could stay with the (3.5) inch ring as we are at now, however I would like to try the (4) inch ring mandated by NMFS but allow the links of the apron to be covered with cookies as to let just the ring size do the size sorting and less the gaps between the rings.

Divers; for safety concerns this should be no less than two men to a boat. A bag limit should be set for each man aboard, say sixty pounds or three tanks of air max. Per man.

Also all other state mandated safety rule to date.

Days; Trying to set a day of the week to fish in winter in Maine is just asking for someone to get killed! If we start season in January to the end of March I'm sure we'll stay within a respectable time frame.

Catch Limits; this may change over time as to reflect the biomass of product available. However in setting this limit there are some factors to consider?

The class catcher, fulltime mobile gear fisherman, Part time mobile gear fisherman, Diver

Define class catcher; Full time mobile gear fisherman defined as a vessel(Person) that for the full year uses mobile fishing gear to pursue the living. Part time mobile gear fisherman would be a vessel (person) who only fishes with mobile gear for part of the year, or only fish's part of the year in this fishery and does not fish the entire year. Divers would fall under the rules set for their class.

Catch Limits continued,

For the full time mobile I would set the limit low enough as to discourage transit fishing, we've seen in the past that this puts a high amount of fishing pressure on one or two areas that become over fished. This would only hinder our effort to rebuild the fishery.

Part time mobile would be set by a percentage or full time fishermen (say .75%)

Divers would be set by their own rule

Full time drag; 120 #

Part time drag; 90#

Divers; 60# per license diver not tender with class restrictions

### **George Freeman, Scarborough**

How will this proposed season affect areas that are normally closed in December? Will this season supersede areas closed in December like the Damariscotta River or will they still open up in January with December off? [cite: Chapter 11.16]

### **Justin Boyce, Stonington**

I recently attended a meeting about the proposed rule changes to the Scallop industry and I am rather concerned about the effects that they may have on the industry and the fishermen involved. I have been fishing with my father and other fishermen over the past 15 or so years and I have seen both the good side and the bad sides of the scalloping industry. I know that something needs to be done in order to preserve our resource but more research and planning needs to be done before any rules go into effect.

I have no objections to closing certain areas down to fishing but I believe that they spots need to be closes permanently to draggers as well as divers. These areas should be known areas that have high reproduction rates so that the stock can never be depleted to the level that it is today. By doing this it will allow many more scallops to spread throughout the Maine waters and have a much higher chance of reaching maturity and reproducing naturally. I also feel that other areas that have very few scallops right now need to be restocked with either spat or larger scallops in order to give the areas some kind of chance to rebuild a stock. It is nearly impossible to replenish a stock when there is nothing left to reproduce. I think that closing these areas is a mistake because they will regulate themselves, no one will tow an area if they know there is nothing worth going for.

Another big problem with the newly proposed rule changes is the scheduled days out. It is absurd to limit fishermen to certain days they can go out, especially in the winter months. Everybody knows that fishing is a dangerous industry and we should not make it worse by putting more fishermen out in bad weather. We are in a terrible position money wise with the high costs of fuel and living expenses so people need to make money and will go to the limits to do what they need to do to make a buck. I feel that if you are going to limit days then the fishermen should be able to choose them for themselves between the months of December and March.

The scallop industry does need some major changes but not the changes that have been proposed. A drag limit with certain bale size would be a good start. The poundage limit is a great idea to keep larger boats away. I know things need to change but I just hope that the wrong changes are not made because it will be very devastating to the industry and the local economies that depend on this industry in the winter. I would like to think that seeing all of the rejection to the proposed regulations that something would change but I have a feeling that everything proposed is going to go into effect. That's just the way the system works, we have to see things screw up before we fix them. Even though we have been told that things will not work we just have to see for ourselves. It is about time that fishermen were able to regulate themselves rather than be told what to do by so called "experts" who know nothing about the actual life we live. Thank you for your time and I hope to get some kind of letter back to notify me that you have received and read this message. I know you are very busy and that many people probably write a lot of hateful letters. You are in a very tough situation and I do appreciate that you are trying to do something to help, I just hope it is in the right way.

### **Amos Kelley, Gouldsboro**

I strongly oppose any changes to the scallop season. I feel that already having a closed season in place along with limited entry and plus the fact that in the winter months when days can be very limited by nature alone.

no.1-there seems to be no scientific data for your rules. I as many believe scallops do run in a cycle. I tend a diver out of Frenchman's bay which is one of your closure areas. I have never seen a research team at anytime during our season and rarely have even seen scallop draggers or divers. I am very familiar with Frenchman's bay and it has been a very long time since it was a banner scalloping area as compared to Cobscook or Gouldsboro bay or Blue Hill bay if it ever was at all. The bay has had very little pressure on it for at least 10 years and the scallops still don't comeback in high number yields. What makes you think 3 years is gonna change that.

no.2 Why would anyone want to put so much pressure on SET areas open for 3 years running. I am sure areas like Cobscook bay will be devastated by high boat volume even though you plan for season reduction. Looks to me as is that is your goal anyway.

no.3 The scallop season seems to be short enough as is especially giving our winters and weather conditions I assume you are aware of. Making it hard enough to get 50 to 80 days of the season in anyway

no.4 This does not only effect the scalloper. It also hurts area buyers, merchants, fueling stations, marine and area stores. But it may help areas that are opened, but I am sure you must have figured that the added costs and income reduction would not effect us the way the economy is this year

no.5 With these major closures the other thing is how do you plan enforcement. Your department seems quite stretched to me (just by going on marine patrol officer sightings)

no.6 Example: Skillings river in Hancock if you close this bay to scalloping what stops the pickle drags the urchin drags and the mussel drags from destroying any scallop beds that may form. This alone looks like your closure idea is a joke do you honestly believe those drags avoid scallop beds and allow time for them to retreat.

In my opinion I feel that you already have a closed season, limited entry and a stock size. Closing areas will only put great pressure on opened areas. Leaving it as it is keeps boats widespread and keeping them near their homes and area businesses if they chose to do so. There needs to be more data as to where the spat comes from inshore-offshore??? Plus mother nature itself takes care of many of these days as well as ice takes care of many bays. Other than firing a dart at a chart what constituted these closures. I feel myself as well as others see many issues to this that you people have no clue about but then again we've only been in this business anywhere from 10 to 50 years no way we would be right

### **COBSCOOK BAY FISHERMEN'S ASSOCIATION**

On October 2, 2008, after considerable consideration and discussion, the Cobscook Bay Fishermen's Association voted to oppose the rule-making proposal listed above. We believe that these proposed rules do not address the legislative directive to "develop a comprehensive strategic plan that will rebuild Maine's scallop resource and create a sustainable scallop fishery." They appear to be the result of a hasty, piecemeal, patchwork approach that is neither strategic nor comprehensive. By putting in place a few fragments of a management plan now, these rules will severely limit the full consideration of other management approaches and options that might be very valuable and useful. It's like building a couple of walls with windows and doors before you've even decided where to dig the cellar hole.

In addition:

We oppose the 200 pound limit, which exceeds the 15 gallon (135 pound) limit in effect in Cobscook Bay.

We oppose the arbitrary imposition of fishing days. What is the conservation value of fishing on a Monday instead of a Thursday? That will just mean more guys going out in bad weather because they have no choice.

The closed areas proposed are not thought through. What is the biological basis for closing these specific areas? Are there existing stocks in each of these areas that might reproduce and re-stock the areas in the absence of harvesting or will these areas [like the sea urchins] be just as empty of scallops in three years as they are now? How will access to them be managed when they are opened? Don't close areas without a clear conservation plan.

We do not support these specific rules. We do support a genuine effort to develop a comprehensive scallop plan for Maine that will protect the gains we've made in Cobscook Bay and help produce similar gains for scallopers in their areas, as well. We'd like to participate in a conversation with anyone who cares about the scallop fishery, where everyone has a chance to speak, and where no idea is rejected out of hand just because it doesn't fit into someone else's agenda.

### **Cobscook Bay Fishermen's Association**

We submit the following comments in amendment and addition to our statement dated October 9, 2008:

#### **COBSCOOK SCALLOP CONSERVATION PLAN**

To secure our future well-being those of us who live in fishing communities need to take responsibility for the resources on which our livelihoods depend. In the Cobscook Bay region scallop fishermen have protected the scallop resource over the last ten years. We have reduced the size of the drag gear used in the Bay, set a daily catch limit on ourselves, allowed no shucking until all culling is done, established a scallop meat count, and increased penalties for violations of these scallop conservation measures. We have done this without excluding anybody from fishing in the Bay. Anyone can fish scallops here as long as they abide by Cobscook rules. Some of these rules have worked well enough that they have been applied in the rest of the state, as well.

Over the last seven years these measures and Mother Nature have increased the number of scallops in the Bay substantially, allowing local boats and boats from neighboring towns to fish for much longer than the one or two week "fishing derby" of the late '90s. Unfortunately, the scallop resource in the rest of the state has collapsed which, coupled with a decline in lobster landings, resulted in well over 90 boats fishing here in the 2007-2008 season. With the economy going to pieces and lobster markets collapsing, we can expect even more boats here in the future, leaving us trying to figure out how to protect and to increase our scallop stocks in the face of such pressure. After much consideration and too many meetings, we propose the following:

#### **Establish area management for scallops in the State of Maine**

Allow fishermen to take responsibility for the resources on which our livelihoods depend. Establish scallop management areas using the Department of Marine Resources urchin assessment regions for initial planning purposes, while preserving the existing Cobscook Bay management area as currently defined in statute.

#### **Create a 200 pound daily catch limit for scallops outside of Cobscook Bay**

Retain the existing 15 gallon (135 pound) daily catch limit in Cobscook Bay.

#### **Establish a Cobscook endorsement**

Any one who wants to fish scallops in Cobscook Bay will have to apply for a "Cobscook endorsement" when they renew their scallop license. The proposed fee will be \$200. Holding a Cobscook endorsement will require you to place a Cobscook tag on the bow of the boat. With the endorsement you will have to fish by Cobscook rules wherever you fish for scallops in the State of Maine. The exception to this will be for the meat count. The money from the endorsement will be allocated to stock assessment, stock enhancement and enforcement in Cobscook Bay. The endorsement will be on the boat. A mandatory loss of endorsement will occur for violations of the meat count of 60 meats/pint or higher or for violations of the 15 gallon daily catch limit of 5 gallons or more. Loss of endorsement would be for one year.

#### **Create a closed area**

Maine scallop fishermen should select locations to close in their own home areas that are now or have been productive scallop grounds. We propose a conservation closure area north of Liberty Point, Robbinston, out to the International Line at the northern end of Navy Island, St. Andrews, and continuing up the St. Croix River to Calais. Until 2002 and 2003 that area was traditionally a good scallop fishing ground. In 2002 and 2003 fishermen found a number of "clappers", dead scallops with empty shells, in that area. The DMR scallop survey done in that area at that time also found significant numbers of dead scallops. More recently, lobstermen that fish this area have reported finding a good number of juvenile scallops in their traps.

#### **Establish a two month split season**

Create a two month season for the Cobscook area, December 1 through December 31 and March 15 through April 15 with a sunset clause of one year.

#### Reform the Maine Scallop Advisory Council

All harvesters that are members of the MSAC should be elected from amongst the license holders, with the allocation of harvester seats roughly corresponding to the geographic distribution of license holders, as well as to the dragger/diver license ratio. The dealer, science, and public members of the MSAC should be nominated by the Commissioner and approved by the Legislature. Meetings of the Council should be held in locations that encourage attendance and participation of license holders.

#### Conclusion

This proposal is meant to allow access to the Cobscook scallop resource in a way that protects it and allows it to grow. These Cobscook conservation measures will contribute to scallop recovery in the rest of the State of Maine.

#### **Greg Candors, Bangor**

As a concerned scallop diver, I attended the Rule-Making Proposal public hearing (Oct. 6th, 2008 in Ellsworth) concerning Chapter 11 changes. Due to the fact that there were 3 or 4 divers attending the meeting and approximately 50 irate, very vocal scallop draggers at the meeting, I thought it best to write down my comments and submit them to the department.

A brief personal history so that the DMR will understand my long term association with diving and the scallop industry. I completed my first SCUBA classes and certification in 1969, and did my first recreational scallop dive in 1970. Between 1970 and 1981 continued to do recreational scallop dives, primarily from shore, usually 2 or 3 times during November, and possibly a day or 2 in December (before it got too cold in a wetsuit). Between 1982 and approximately 1987, I had the opportunity to dive with a family who owned a 32' lobster style boat, and I dove fairly regularly during the winter months with them. In 1988 my full time job no longer allowed me the time to scallop dive as much as I had, but I still continued to purchase a commercial license because I enjoy scallop diving and dove on the weekends when time allowed. Since 1998 I have continued to scallop dive, but only manage to do get out 4 or 5 days during the entire season. I have been scallop diving for the past 38 years; and have personally seen a lot of changes in the scallop population along the Maine coast. I wanted to explain to the dragging community what I have seen, and how we have all affected the scallop population, but I am not very good at public speaking and I felt that the public hearing was not the forum to do so.

The points that I wanted to present at the hearing are these:

1.) I agree with 11.09 as written. PLEASE continue to allow at least 1 weekend day for scalloping. There were people commenting at the Ellsworth hearing who wanted to shut out "part-timers or weekenders" entirely. I am 55 years old, cannot see like I used to, and cannot swim like I used to, but my few days diving each season bring me great pleasure and are certainly not affecting the scallop population like the drags pounding the bottom. Please keep 11.09 as written or substitute Sunday for Saturday.

2.) 11.10 (F) I would prefer a limit of 150 pounds per boat per day but understand that some fishermen rely entirely on this fishery. I would agree that 200 pounds per boat, per day is enough until (if) the scallop population will support higher daily limits.

G. and H.

The scallop population has been over fished and has also experienced some sort of biological disaster during the past 15 years; in 1998 I started seeing dead scallops sitting in their normal depressions on the bottom. None of the draggers at the Ellsworth hearing saw the dead scallops sitting on the bottom, they hauled up a drag with jumbled up shells and assumed they had hauled through an area that another boat had dumped their shells. The population needs some closed areas to help it recover, but this puts the DMR in a very difficult position. It was very obvious at the Ellsworth hearing that all draggers present were opposed to the closed areas, and a few of their comments were valid. One of the ideas mentioned would be to close the entire coast seaward of Maine territorial waters out to an established boundary, of perhaps 5 miles. This would supply the state with a 2 mile wide scallop nursery for the entire length of its coastline. This would still allow all fishermen to harvest "in front of their own harbors", and would prevent large clusters of boats rushing to the newly opened areas that had previously been closed for 3 years. I believe that this type of closed area would be easier for the Marine Patrol to police because the Maine territorial boundaries are already shown on existing charts; unlike the boundaries described in 11.10 H. 1 through 6.

#### **Stonington Fisheries Alliance, Richard Larrabee, Jr., President**

1. We oppose the proposed scallop regulations as proposed. The areas DMR has chosen to open and close will force fishermen to be more mobile than is necessary. The limited days in a week are highly dangerous for winter fishing in small boats. The severe limitation on length of season is too much for this year. The proposal should include a limit on the size of gear because that is part of sizing the fishery for recovery and sustainability.

2. We propose an alternative set of rules that we believe will:
- Gain more support along the coast
  - Prevent the scallop fishery from becoming a highly mobile fishery
  - Achieve conservation that is comparable to what is proposed
  - Will establish a stronger basis for future conservation and management

Our proposal is as follows:

- Continue with 4" rings.
- 200-lb limit as proposed by DMR
- Limit drags to 5 ½' (and possible tank limit for divers for comparable reduction)  
This reduces effort by half and reduces habitat damage.
- Create seven scallop management areas based on the same lines as the lobster zones. Fishermen are used to working in these areas and the lines, when they were negotiated originally, reflect community fishing patterns that go beyond just lobstering.
- All 2009 scallopers will choose one home scallop management area and will be entitled to fish in the one other scallop management area to the east. Scallopers that choose the area comparable to Zone A will have limited rights to fish in Cobscook Bay.

It is very important not to re-establish a highly-mobile state waters scallop fishery and this proposal has the support of some of the few remaining federally-licensed Maine scallopers. Fuel costs will continue to be high and with a 200-lb limit, long distance scalloping will not be feasible.

6. Close ¼ of each scallop management area this year and keep it closed for 4 years.  
This would be done in consultation with the fishermen who opt into the area.  
Fishermen who fish a given area as scallopers as well as lobstering and in other fisheries, know the productive areas or areas where there is seed showing up. This suggestion, paired with the idea that there will be a limited number of scallopers able to fish the area (see 5.) make it possible to create effective closures that will be, to a certain extent, self-enforced. The areas can still be large, recognizing that this is the preference of Marine Patrol to make closures enforceable.
7. Season should run from December 1 through March 31.  
With a winter, small-boat fishery it is not safe to regulate with limited days.

#### **Timothy Richards, diver, Harpswell and Lubec**

I think that it is incredibly unfair that the proposed scallop season is suggested to run concurrent with the sea urchin season! With the economy as bad as it is, this would carry serious negative financial impact on many who rely on scalloping as a reliable income. The fact that the season is facing a drastic reduction in fishing days is bad enough without the scheduling conflict of running the season the same exact days as the urchin schedule. I highly oppose the proposed schedule, hands down! We need to make the scheduling issue a priority, and straighten it out. I spend \$211.00 for a license to harvest scallops, I should have the same opportunity to make a living as much as the next guy. The days need to be shuffled so that they are not running with the urchin schedule!!! Your attention to this issue are greatly appreciated!

#### **Timothy Richards, continued**

I spoke today with Greg Johnson, President of Johnson's Sporting Goods(Rockland, Brunswick, Portland). He attended the Rockland meeting that took place recently. I must say, by the conversation we had, I am extremely disturbed by information that Mr. Johnson conveyed to me! According to Mr. Johnson, there is a cloud of concern, majorly due to the fact that large amounts of money are being appropriated to this project, and it seems that the money is being focused on more than the ramifications of the decisions by, well, by we don't know? It seems that it is not clear who will be deciding the fate of any and all scallop harvesters. Mr. Johnson left the meeting in Rockland, and only after he drove back home to Brunswick, and had an hour to mull over what he had heard, did he come to the conclusion that it was unclear on who is responsible for making the final decision on this topic, and delivering the final blow to several harvesters who rely on this resource to support their families. Of course I also learned that many Rockland area harvesters did not attend the meeting, which I must say is ridiculous to say the least, considering all who did not attend will be the first to piss and moan if you will, about the final outcome despite the fact they did nothing when they had the chance!

It is very unsettling to think that any and possibly all of these meetings are conducted in vain with the final chapter of this has already been written, but due to proper procedure and policy, the meetings are held more to fulfill a legal obligation by this SAC. I am somehow left with a very bad taste for this whole movement, when it is obviously being managed the same way the urchin industry has. I am not sure anyone who IS a REAL scallop harvester involved in these proceedings, are acting on reliable and trustworthy intentions, OR, like so many other people shaded by issues of money, are seeing dollar signs in the form of grants and allot-ed funds for this type of deal?! I am seeing this start to look like the popular vote vs. the electoral vote scenario. I am wondering if anything the fisherman say are going to have ANY weight in this? OR, has a decision been concluded, yet by way of protocol, has not been unveiled due to legality? It is a very real, and very scary thought!

In closing, I hope for all of our sakes that the interest of our fishery is legitimately being represented! To many times in this type of situation money is focused on before the fallout of any decision is considered.

#### **Mike Murphy, F/V M&M, Bucks Harbor**

I can't imagine that something as simple as LD 2071 could bring on the turmoil that's going on in the Scallop industry. All it says is the Commissioner will make a Regulation that Four inch rings will be used in our Scallop Gear. This Regulation alone is enough to reduce fishing effort to the lowest level in years. The cost of rebuilding drags will be in the Thousands and after all that money and effort we won't be able to catch enough Scallops to make it worth the fuel to tow them around. Unfortunately that wasn't enough for some people so here we go again trying to fix something that's not broken.

##### **Season Length**

The proposed four day week is the only good thing that I can see coming out of this. The Mon. Tue. Wed. Sat. idea would prolong the season to the point where we could possibly get a winter's work out of it.

##### **Daily Harvest Limit**

Other than in Cobscook Bay there are very few places left where anyone I know could get over 200 lbs a day. However the train of thought seems to be if the NMFS does it, it must be the right thing to do. Personally I'm opposed to limiting the amount of Scallops a Boat can take. All a limit will do is add to the Marine Patrol's work load. It's hard to enforce and will have very little effect on the Scallop population at this point in time.

##### **Closed Areas**

Closing huge areas of the state will only put more financial strain on the fishermen and will do very little to bring the Scallops back. Scallops run in cycles. The Scallops will return as soon as we get another set of seed like we did in the eighties. Example. Smith's Reef outside of Machias Bay. Back in the eighties and ninties was one of the most productive Scallop beds in the area. For the last ten years no one has worked this piece of bottom because nothing has ever come back there. We check it every year hoping to see some seed and so far nothing. This is just one example for why I think closing large pieces of bottom is a very bad idea.

In closing, I can only hope that the Commissioner will come out of his office and put an end to this madness. If we are left alone most of us will survive. To restrict us down much more than what we are now will be devastating.

#### **Barry Huckins, Scallop Dragger, Member Scallop Advisory Council**

I, Barry Huckins do oppose the 4" ring size. This will cause the drags to further damage the shells of the scallops by banging on them a lot more often. A 4" ring size will cause the drags to be heavier and also you will need to make more tows due to the scallops going out through the diamond. My suggestion is go back to the 3" or 3 ½" ring size or to use cookie or chaffing gear between the rings.

I also, comment against the days of the week for the upcoming season. It is my thought that the fishermen should be more emphasis on getting rid of the predators not the fisherman. Limiting days will get rid of the fishermen. Starfish, as well as the hermit

crabs are doing more damage than the fishermen. As for the days of the week, no one should dictate when someone else can go to work. It is regulating the persons business. It will eventually end in someone's death or disability because they will be there in adverse conditions.

Closures are not the answer as it will put all the boats in one place and will desiccate the area. The area from Quoddy Head to Western Head is a good fishing ground but when the bay gets too overfished this is where the boats will go. So don't close area. Cobscook Bay cannot take 150 boats. And this is what will happen if you close the other places in the county. Also, more should be taken into consideration from people who fish than those that don't. Some of the people who are interviewing and commenting don't even fish....it is not their safety or livelihood that is at stake.

**W. William Anderson, So. Trescott**

I apologize for not being able to make your public hearing. I am writing because I attended several of the Scallop Advisory Council meetings where this was being discussed and participated in those discussions.

I support the concept of Rule Title: Chapter 11.09, Chapter 11.10 (F), Chapter 11.10 (G), and Chapter 11.10 (H). I am hopeful that this will help to begin the process of rebuilding Maine's scallop resource.

**Capt. Dave Sinclair, Sea Ventures Charters, Wayne**

I'm writing to comment on the proposed scallop season, specifically the days of the week to be open to fishing. Due to the nature of my charter business and my client base being comprised of non-commercial divers, I would like to see two consecutive days near a weekend open such as Friday- Saturday, Saturday-Sunday, or Sunday-Monday. This would allow folks to travel to our area, enjoy a positive Maine experience, and take a few scallops home for a meal. The impact of these trips is minimal on the scallop stocks but is invaluable in promoting the State of Maine. In these situations, we are providing the same service as any other Maine Guide in promoting Maine tourism and representing Maine as well as trying to keep our business going during tough economic times and the time of year when our business can use any income we can generate. These divers who participate in winter diving here in Maine are very enthusiastic and are subjected to very difficult conditions. They have made a significant investment in diving equipment and training and are willing to endure the winter conditions to harvest a small amount of scallops and improve their diving skills. I am very hopeful that DMR will take our concerns into account as regulations are set and allow us to continue to cater to this very small client base.

Thanks for your consideration.

**Rodney White, Dalton, NH**

In response to the rule making proposal. I am a scuba diver. I have been diving since 1988. Each year, with a friend we have come to Maine and or NH, to dive usually for just one week end. Because of our time limitations we usually meet Friday evening and dive Saturday and Sunday. We might get five pounds each, usually less. We buy our licenses, pay for travel expenses, lodging and eating in area restaurants. We try not to have to take time off from work. Losing the privilege to dive on Sunday would really cut into our dive time and enjoyment. We are not commercial divers tearing up the bottom and taking large amounts of scallops. We just enjoy the sport, getting together one weekend a year and eating wonderful fresh scallops. I think there should be consideration for folks like us. Thank you for your time.

**Travis Fogg, Spruce Head**

Hello my name is Travis Fogg. There is no question that the state of the scallop fishery has not been good. I am one of the last local fishermen actively involved in the fishery in my area. The main reason is that profit margins are very small and other fishermen don't find it profitable enough to participate in the fishery. I have a 35 foot boat that is economical to run and I have been operating it alone. I can turn a profit because I am able to fish locally and I don't have to transit the state. In the current plan of closure zones I will be forced to keep my boat more than 20 miles from my home. The cost of traveling to get to the fishing grounds and traveling to keep an eye on my boat on off days will be more than its worth to go. Fishermen are generally territorial when it comes what they deem their local fishing grounds. With these large closure areas we will all be forced to be grouped together and what scallops are around will be fished on hard. This does not seem like a good idea for the health of the fishery. Overfishing will definitely become a problem then. That is not currently what has caused the state of the fishery. I have been around the fishery since I was young boy and I have unfortunately watched the catch rates decline. It seems that something other than overfishing and natural predation has affected the health of the stock. In the mid 90's the meats in the local scallops turned to a blue gray color and they failed to reproduce and died off. This was in the same period of time when a company named Holtrachem was caught dumping mercury contaminated water into the Penobscot River. I'm not an expert on pollution or how it affects sea life but it seems to be a strange coincidence. More needs to be looked at than just blaming fishermen for fishing out the population. I have noticed good signs of healthy young scallops moving back to the beds in the spring of the year. Fishermen's input should be considered before any new drastic rules are made. A shorter season and gear restrictions being implemented is a good start. The current proposal of days to fish is foolish. The weather doesn't care what day it is. Safety of the fleet MUST be factored into this rule. In the month of February last year I was able to get out a total of three days. Freezing temperatures and winter storms are not a good combination for a small boat. The season should remain open the way it has historically been. The weather will restrict the number days we are able to fish. A stock enhancement plan should be proposed before any closure areas are determined. The idea of closed areas is a good one but blanket closures that will shut local communities off to fishing and leaving others open is very discriminatory. A series of zones sounds like a better idea to control fishing pressure. Limiting the number of licenses in these zones may also be a good control effort. Local fisherman should be granted access to their zone according to the town they live in. This will support local communities. This would also allow for local fishermen to be more involved in management. I'm sure that there are lots of ideas being proposed. I would like to continue to fish for many years to come. More time needs to be taken for a good management plan than implementing measures that may drive fishermen out of business or create unsafe conditions.

**Ernest Kelly Jr.**

I am in favor of a split scallop season. Dec.1 to Dec.20 then Feb. 28 through March 31. One reason is the weather, we'd be through the worst of the winter weather.

**Robert Odlin, S. Portland,** Maine Sea Urchin Zone Council Diver Rep, Maine Commercial Fishing Safety Council, Maine Commercial Scallop Diver

The following comments are in response to the new Scallop regulations proposed.

I'm 39 years old and have scalloped part-time for 10 or more years. I also harvest sea urchins and have done so for 20 years. I do not like the new proposal. I disagree that closing down so much bottom to scalloping is warranted. I feel the schedule is designed to keep sea urchin divers out of the resource.

Scallop diving does zero damage to the bottom, and we can not dive in zero visibility conditions. Both of these are achieved by dragging. I feel divers should have more days to harvest than draggers.

The sea urchin harvest days are Monday through Wednesday. The proposed scallop harvest days are the same as sea urchin, therefore this rule would make us choose one fishery or the other. I feel this is UN-ACCEPTABLE!

Please answer why and where this aspect of the scallop rule was developed?

It seems transparent to me that it was designed to keep urchin divers out of the fishery.

I will concede that there are not as many scallops as I've seen in the past. This is a matter of heavy dragging effort in the past since the lobster resource has been depleted. Both of these could be results in poor water quality from pollution by salmon farms.

Has anyone tested the scallops for contamination from aquaculture feed? I believe the chemicals in the salmon feed are destroying the quality of the inshore bottom, and have spread into the food chain.

I look forward to some answers but mostly hope this written comment will not fall on deaf ears.

Thank you.

### **Patrick Kelley, Jonesport**

I am in favor of a split scallop season Dec.1-Dec.20. We wouldn't be battling the bad winter weather.

### **Michael Keating, Owls Head**

The following are options for consideration to the Scallop Advisory Council and the Department of Marine Resources regarding the protection and rebuilding of Maine's scallop fishery.

For the rebuilding efforts to be successful both immediate and long-term changes in harvesting practices and resource management must take place. At the same time the economic needs of fishermen must be considered so not to deprive specific communities to the point of causing undue hardship.

#### Immediate changes that could be enacted regarding the 2008-2009 scallop season:

- \* 4 month season beginning December 1 and ending March 31.
- \* 52 day total days of fishing to be determined by the license holder.
- \* Trip reporting log books
- \*200lb. Daily possession limit.

#### Immediate Dredge configuration limits:

- \* 5'6" maximum dredge width
- \* 2" maximum bail stock
- \* 4" ring size

#### Long term resource management practices to implement:

- \* Rotational closures of depleted areas.
- \* Stock enhancement projects.
- \* Study water column that feeds the scallop
- \* Develop complete understanding of toxins, viruses, and bacterial influences, which add to the high mortality rate of Maine scallops and their inability to abundantly regenerate.
- \* Study and understand the movement of spat and scallop habitat.

I have held a Maine State scallop license and actively participated in the fishery since 2004. My experience in the fishery is limited, and I do not claim to understand the science behind the fishery. However, I have had a fair amount of conversations with many scallop fishermen of the past. I have heard many stories of scallop fishing when it was much healthier. It does not take many years of scallop fishing or formal academic study to realize the Maine scallop fishery is a declining resource in dire straits. One could say that we are in the last minutes of the final hour regarding this long time Maine tradition. But, as long as there is time to devote, money to spend, resources to apply and people to help with the efforts this can be reversed. The energy for the recovery comes from three distinct areas; 1. fishermen, 2. Our federal and state agencies of lawmaking, resource management, and law enforcement, 3. Advocacy groups appointed as representatives and liaisons between fishermen, controlling agencies, and biologists.

Along with the license moratorium enacted, shortening the season from 150 days to 52 days will be an immediate reduction in the overall fishing effort. Ending the season March 31 seems to support the theory that this is when spat may be migrating the heaviest. Even though it may seem inappropriate to the Department of Marine Resources to allow fishermen to choose their days to fish, it is the most appropriate thing to do so that the fishermen can fish around the weather. It is flat out safer for everyone, law enforcement included. Take a minute to visit the recently dedicated Fisherman's Memorial in Port Clyde, read the names of those lost at sea while you ponder this topic. Forcing a predominantly small boat fleet to fish on predetermined days in unpredictably cruel Maine winters will only make that list of names grow. This would be a bad practice for law makers and law enforcement as well.

Under the current structure the Department of Marine Resources is responsible for enforcing laws of the state waters for the entire 150+ day fishery. How can cutting the fishery back by one month prove to be a bigger burden that it already is responsible for? Fishermen can help provide oversight and self-regulation in regards to law enforcement. No one likes it when one or two people break the laws while others take the initiative to obey. Trip logbooks make good sense. They will help provide scientific information for study and reporting for both law enforcement and proof of who is participating in the fishery.

The 200lb. daily possession limit would make the inshore state fishery compliant with federal limitations of the newly adopted Northern Gulf of Maine permit category. Limiting the width of the dredge to 5' 6" with a head bail stock diameter of 2" is a reasonable short-term measure to reduce fishing effort. This size dredge would still provide even the bigger boats enough size and weight to do well in the fishery, Mandating a ring size of 4" minimum would again bring the state fishery into compliance with Federal requirements.

While this would add an immediate significant cost to preparing for the 2008-2009 season, it would be reasonable and allow more juvenile scallops to return through the openings.

Rotational closures of fishing areas make logical sense, but not in the form currently proposed. The closures are too large and tend to shut down entire communities to local access of fishing grounds. These proposed large closures would force many fishermen to strike out for unfamiliar territory only to overwhelm the open territories. This would also cause a hostile environment as the non-local fleets merge onto the open areas. The areas left open would get over fished (pounded to death) putting undue stress on those areas. The current proposed closures would only cause a redundancy of over fishing in the areas as they rotationally open. Nothing will be solved by the current proposal of closures suggested by the Department of Marine Resources. It would be a good start, for this season, to reduce the number of days of the season.

Assisted stock enhancement makes sense on the surface as long as there is science to support it. Growing/procuring and seeding spat and/or juveniles for fertilizing areas for future fishing would be a good use of resources. Given the inability of the resource to rebound on its own it seems there may be something in the water that is making the scallops unable to proliferate abundantly. Considering the tidal flow of waters comes from the east, mercury laden waste discharge by Holtrachem in Orrington could have had an impact on the decline of scallops in Penobscot Bay. (see "[Exhibit A](#)" [web link] attached hereto). This needs to be studied as it is unfair to make claims that the scallop fishery is in such a distressed state due solely to over fishing as suggested by the Department of Marine Resources. Furthermore, great adjustments have been made in the understanding of scallop habitat and movement in the Federal waters, which have made offshore scalloping one of the richest abundant fisheries on our eastern seaboard. It seems appropriate to adopt these practices and borrow the science where applicable.

### **Mike Hutchings, Lincolnville**

Re: Scallop Season

Limiting days of week is not safe in the middle of winter in small inshore boats, because it may blow on the open days. Dec. 1 to April 15 works fine. You would be lucky to get 50 or 60 days that time of year.

Re: Scallop Limit

200 pounds right now is probably not possible, but when the scallops come back you should be able to catch what you can in a day, because of the weather factor we may not be able to get out for a week.

Re: Closed Areas

I live in Lincolnville, which is on the west side of Penobscot Bay. This means I would have to travel 2 or 3 hours each way to fish. With the high price of diesel fuel it would not be worth it, so it would be closed for me. How would you know when to reopen with no science to base it on:

Maybe small closed areas that are known to produce seed. Local knowledge could provide that information.

Maybe zones could be made up to let the fishermen manage the scallops like the lobster zone council.

I think we need different rules for different areas, as the coast is so different from one end to the other, it only makes sense.

Drag size should be the same on the whole coast so you do not need different drags for different areas. 5 1/2 foot chain sweep and 10 foot rock drags like it is now makes sense.

The scallop fishery is already frozen on licenses as of last May. In some areas on the coast scallops have died off—both the adult and the small ones. Something is going on with our water. The food that the scallops feed on is not there and that's what we need to find out.

For the most part scalloping has been closed for ten or fifteen years, so nobody has fished any amount for years in Penobscot Bay.

The other thing that is wrong is that scallop divers should not have been allowed to take scallops. Before they came on the scene you could go back to areas year after year and get scallops. Draggers do not catch all the scallops—it's not possible. After I drag an area, then the divers move in and if you go back to that area it's hard to catch a scallop. Any scallops that I left could reproduce. Not so after the divers finished. I think that if you hold an urchin license you should not hold a scallop diver license, or visa versa. Also, closing big areas puts more boats in other areas where they would not normally go.

Yes, I have heard the comment that the drags hurt the bottom. Maybe, maybe not. It's like cutting the trees; it makes room for new growth. Besides that at least there are scallops left on the bottom.

Now let's talk about the money side of things. This has not been a good year as far as lobsters go—bait, lobster price, fuel, etc. I rigged my boat for scallop dragging in February of 2007. It cost about 25 or 30 thousand to do that. The reason I did it is because it's not good to have all your apples in one basket, or one fishery is not good for the fishery or me. Now I do not know if I can go scalloping or not just 2 weeks before the season. THAT'S NOT RIGHT. Do I take my traps out of the water so I can go scalloping or not? It takes 2 or 3 weeks to get traps out, depending on weather. Then it takes a week or so to rig the boat for scallops. I also need to rereg the drags, because this year we have to use 4" rings instead of 3 1/2" rings. There is no need to do that if I can't go.

I have fished all my life for scallops inshore and offshore, shrimp dragged and fish dragged and lobstered for 36 years. These proposed rules would not help the scallops. There is something else going on, not over fishing.

### **Dianne Tilton, Harrington**

RE: PUBLIC COMMENT ON PROPOSED RULES FOR ATLANTIC SCALLOP HARVESTING

I am a resident of Harrington, Maine, one of the dozen or so communities Downcast that rely almost exclusively on fishing for their local economy. I am not allied with any formal organization at this time.

These rules are important to all residents, because of the negative economic affect on our communities when fishing is down. This has been an exceptionally bad year for our "bread and butter" fishery, lobster, with low market prices on top of high bait and fuel costs. Federal rules for sink rope will create even more problems for the Downeast lobster fishery because of the rocky bottom breaking rope and causing lost gear.

DMR's statutory purpose is "to conserve and develop marine and estuarine resources; to conduct and sponsor scientific research; to promote and develop the Maine coastal fishing industries; to advise and cooperate with local, state and federal officials concerning activities in coastal waters; and to implement, administer and enforce the laws and regulations necessary for these enumerated purposes, as well as the exercise of all authority conferred by this Part." My comments are based on DMR's responsibilities in the area highlighted.

Unnecessarily restrictive rules for scallop harvesting, a fishery engaged in by many who also fish for lobster, simply cannot be implemented as proposed. This is absolutely the worst time to impose further regulations and put more economic stress on Maine's vulnerable fishing industry.

Scallop fishermen are already dealing with the expense of changing over to drags with four inch rings, a new law that I believe is meant to promote conservation, which, for fishermen, translates into a smaller catch. A combination of higher expense and a smaller catch is hard enough to bear without added regulations that limit fishing opportunities.

My understanding is that these rules were motivated in part by a perceived decline in scallop landings. Local research has concluded the DMR landings figures are incorrect. This immediately causes me to question the need for such restrictive and invasive rule changes.

#### Chapter 11.09 Atlantic Sea Scallop Harvesting Season

The proposed December 1 to March 31 season, limited to fishing on certain days, is problematic for several reasons. Foremost is its troubling ignorance of a basic fact of fishing - you must fish on the days you can fish. Using the proposed "days of the week" approach would force fishermen to venture out on days when the weather would otherwise keep them home, because they don't have flexibility to choose. This will certainly endanger fishermen's lives, a consequence I trust you will find completely unacceptable.

The days at sea can be limited by running the season from Dec 1 to Feb 28 (or 29). This will limit harvesting, but give fishermen the flexibility to choose which days.

#### Chapter 11.10(F) Daily Possession Limit

The 200 lb limit is acceptable, in the interest of sustaining the statewide fishery.

#### Chapter 11.10(H) Closed Areas.

The closed areas proposed seem unnecessarily extensive. Clearly the DMR lacks the local knowledge of the areas that would allow your agency to strategically pinpoint the best areas to close for the maximum "nursery" benefit to the fishery, while minimizing economic hardship to the fishermen. These "wide swath" areas will force fishermen to travel from place to place to fish, and traveling means yet another blow to the bottom line.

Fishermen in our town and others have suggested a scallop fishery managed by zones, using the same zones and districts as the lobster fishery, arguably one of the best managed fisheries in the country. One of the successes of lobster management that could be replicated in the scallop fishery is using the expertise of the very people who are most familiar with the area and all its features, and who have the most to gain from successful management. As proven in Cobscook Bay, the best way to achieve long term management of the scallop fishery in Maine is to actively involve local fishermen.

According to Webster's dictionary, to "promote" fishing industries means to "contribute to their growth and prosperity". I urge you to reconsider these rules to ensure they honor this responsibility as well as your regulatory role.

### **Susan Weippert, town**

#### Executive Summary

Title: Proposal to Segregate Divers from Draggers

Description of Change: This proposal identifies key differences between divers and draggers. It proposes that they be considered separately, as distinct individual groups, when relevant laws, regulations or policies are created or recommended.

Contributing Factors: Divers and draggers should be considered different in regards to commercial fishing for two main reasons: environmental impact and effective range.

Environmental Impact: Divers are discriminatory. They have the ability to harvest only the target species, resulting in a very small percentage of by-catch. They also have the ability to distinguish between mature and immature product. Divers can leave behind the product that is unequivocally under or oversized, resulting in less stress to the animal and improving its chances of survival, growth, maturation, and reproduction.

Draggers are not discriminatory. They can not choose which species they drag up, resulting in large amounts of by-catch. They also harvest multiple sizes of a product, which they then have to throw back if it is under or oversized. Any time a non target species or illegally sized product is brought to the surface; there is an unnecessary level of stress added to the animal, reducing its chances of survival, growth, maturation, and reproduction.

Divers "pick" the ocean bottom. They distinguish where there is and isn't product. They touch only where a target species lies. They leave all other territory undisturbed. A diver has very little impact on the physical environment.

Draggers make no such distinction between territory where there is and isn't product. They drag over large areas; breaking, toppling, crushing and killing corals, plants and animals. Draggers cause devastating damage and stress on an environment and may not even harvest the target species.

Effective Range: All commercial fishermen are restricted by factors such as weather and equipment failure, but divers have additional and unique limiting factors. Such factors are maximum depths, maximum dive times, minimum surface intervals, the body's ability to function in extreme conditions and the amount of time a diver gets out of a tank of air.

Draggers can comb the ocean floor for hours without any such restrictions. They pay relatively little attention to how long they are dragging at a particular depth or the distance traveled. They have no minimum surface interval in which they can't be fishing, only the time required to haul and reset gear.

Planned Implementation: This proposal is submitted in response to (title of the law), affecting the current scallop diving industry, however it is applicable to all past, current and future commercial fishing discussions in which no distinction is made between divers and draggers.

#### Proposal to Segregate Divers from Draggers

Background: Imagine there are two people that need cars. Person A buys a car and Person B steals a car. The end result is the same, both people have cars. Would it be fair to regulate them the same because they both acquired cars and throw them both in jail? Certainly not, they acquired their cars in two different ways and should be treated differently.

Historically, there has been little or no distinction made between divers and draggers in regards to commercial fishery laws, rules, regulations and policies. Divers and draggers are lumped together simply because they are targeting the same species. Often if a fishery is closed to one group, it is closed to both. However, divers and draggers are not the same, nor should they be regulated the same. They are limited by different factors and fish in a completely different way. Therefore they should also be regulated in different ways.

Planned Implementation: This proposal is submitted in response to *Chapter 11 Revised Notice of Proposed Scallop Season*, affecting the current scallop diving industry, however it is applicable to all past, current and future commercial fishing discussions in which no distinction is made between divers and draggers.

Contributing Factors: Divers and draggers often target the same species and are regulated by the same restrictions. There are two main factors that separate divers and draggers, which the law should recognize and consider when addressing relevant topics (i.e. catch limits, zoning, licensing, and seasons). Those two factors are Environmental Impact and Effective Range.

**Environmental Impact:** The environmental impact that two fishermen have couldn't be more different than that of a diver and a dragger. Key differences in the two are species targeting, mature product targeting, percentage of territory disturbed, and damage done to disturbed territory.

- **Species Targeting:** Divers can physically see the species they are picking up and bringing to the surface. This results in a small percentage of by-catch. A diver might bring up a couple mussels attached to a scallop shell.

Draggers have the inability to see for which they are fishing. They must rely on past experience and knowledge to target a species. Even when successful, their by-catch is substantial, bringing up everything in the drag's path.

- **Mature Product Targeting:** Again, because divers can physically see their catch they can choose which animals they bring up. From experience they can look at an animal and say "that is too small" or "that one won't be any good" and make the decision to leave it on the bottom to grow, survive and reproduce.

Draggers can make no such distinction during a haul. They will bring up multiple sizes of product. When the animal is at the surface, only then can the fisherman make the decision that it is too small and should be thrown back.

- **Percentage of Territory Disturbed:** A diver "picks" the target species up off the ocean bottom. He can avoid plants and animals and delicate parts of the environment. A diver hovers above the territory only contacting it when grabbing product. In most cases the diver's affect on the environment is directly targeted and only affects a small portion of the territory. A diver also is limited in the amount of territory that can be disturbed, in that, he can only reach what is within swimming distance. A diver can search territory without disturbing it. He might swim 50 yards without so much as touching the bottom, if he is in a poor location. A diver can only swim so far.

A dragger drops their gear and tows. The drag tows over every inch of the territory, affecting the environment greatly.

Draggers will tow over large areas and cover much more distance in a short period of time. If a diver swam for 100 yards without seeing product, the dive would end and he would try a new location. Draggers on the other hand would consider 100 yards a short distance and would continue to tow. Draggers disturb all the territory they search.

- **Damage Done to Disturbed Territory:** Because a diver impacts such a small portion of the environment there is limited damage that can be done to the environment. Some damages that can occur are when working in surge a diver might grab onto coral, kelp or rock to stabilize himself and result in a tare or break, killing or injuring the plant or animal or near by plants or animals. A diver may unknowingly or accidentally disrupt a plant or animal resulting in an increased level of stress. The overall damage done by a responsible diver is minimal.

Draggers destroy the territory they cover. They uproot kelp and seaweeds, they crush rocks and corals. They relocate and trap non target creatures. They redesign the ocean floor, creating highways of flat cleared bottom and pushing rocks, plants and creatures into crevices. They are devastating to the environment, destroying the natural order and adding unnecessary stress.

**Effective Range:** All commercial fishermen are limited by factors such as weather and the failure of their equipment. However, divers have a unique group of factors that further limit their range and fishing ability. Divers are of course limited by their ability and comfort level with water condition (temperature, visibility, turbulence etc.), but that will vary from diver to diver depending on experience and motivation. There are other limitations that are constant to all divers regardless of whether they are a recreational diver in a bikini in unlimited visibility Maui or scallop diver wearing a dry suit and 40 lbs of weight in three feet of visibility in 40 degree Maine water. Such factors are maximum depths, maximum dive times, minimum surface intervals, and the amount of time a diver gets out of a tank of air.

- **Air Tank:** The first and most obvious factor that will limit a diver's dive time (essentially his fishing time) is the amount of air that can be strapped to his back safely. The standard SCUBA tank holds 80 ft<sup>3</sup> of air. That tank will last the average diver in 30 feet of water about 1 hour. Basic rules of physics say that all other things remaining constant as pressure increases, volume decreases. As a diver descends pressure will increase, decreasing the volume of air being supplied (See column 2 in Figure 1 for examples). The air tank immediately places time and depth restrictions on the diver.
- **Dive Times and Depths:** Divers are limited by a strict set of rules that keep them alive. One such rule is never go into decompression without proper training and support. Decompression results from the build up of gasses absorbed into the blood stream. Repetitive dives (more than 1 in a 6 hour period), deep dives, and long dives all result in such a build up. Tables and computers have been developed that allow divers to calculate and plan dives so that they do not go into the decompression zone. Ignoring these rules and standards drastically increases your chances of getting decompression sickness (DCS commonly known as "the bends"), which can lead to debilitating pain, blindness, cardiac arrest, paralysis and death (see Figure 1 for examples of depth/time limitations).
- **Surface Intervals:** To reduce the amount of gas in their blood stream, divers will complete a surface interval. A surface interval is a period of time that a diver is not in the water. Sometimes surface intervals are optional and are only as long as it takes to change a tank or grab a fresh sack. Other times divers are required to do an interval, depending on the amount of gas built up. Some may be as short as 5 or 10 minutes or as long as 3 to 6 hours (see Figure 1 for examples of surface intervals). Surface intervals can have a huge impact on the amount of time a diver physically spends in the water searching and harvesting product.

A commercial diver will generally limit his dives to less than 40 feet of water and will complete surface intervals of about 15 minutes to maximize his amount of time in the water. Even still his capabilities are greatly reduced, compared to those of a dragger. Draggers have the ability to work in depths ranging from 15 feet to hundreds of feet. Divers are limited in the length of time they can fish. Draggers can tow and fish as long as they have fuel. Divers rely on their stamina and swimming ability to cover territory, draggers rely on engines. A diver might swim a mile in a day of fishing, while a dragger will cover much more territory. Clearly the effective ranges of the two fishermen aren't comparable (see Figure 2 for a comparison of the two ranges).

**Summary:** Divers and Draggers are very different fishermen. They use different techniques to accomplish the same goal, providing for their families with ocean species. Most will agree that regulations are essential to the survival of species and the creation of sustainable economic resources. The loss of fisheries is detrimental to the State's economy. But it is unfair to bind two distinct groups

together and manage them under a single policy. Divers and Dragers should be segregated from each other and defined separately when it comes to fishery regulation and policy.

Figure 1: Dive Depth and Dive Length Relationship Table

This table shows the relationship between the depth of a dive and the length of a dive, ultimately showing the overall efficiency of a diver at a given depth. All dive plans for each depth are calculated assuming an 8 hour work day; ignoring non-diving factors (i.e. travel time, lunch break, bathroom break, equipment malfunction, weather delay).

\* Max Air Time: Max Air Time represents a calculation of the amount time a tank of air will last at a given depth.

Assumptions used:

- 80 ft<sup>3</sup> cylinder
- At 30 ft a diver breathes at a rate of .75 ft<sup>3</sup>/min
- As a diver descends the breathing rate remains constant
- Air consumption rate changes only as a direct result of the pressure/volume relationship
- All other factors (i.e. stress level, temperature, stamina) remain constant

\*\* NDL (No Decompression Limit): The NDL represents the maximum time a diver can spend at a given depth without entering decompression. Going into decompression without a highly trained support staff and in-depth knowledge and training in decompression theory greatly increases the chances of getting DCS (Decompression Sickness, commonly known as "the bends").

\*\*\* All dives are calculated using the industry accepted Recreational Dive Planner (RDP), developed and produced by the Professional Association of Diving Instructors (PADI). Dive lengths are maximized using the limiting factor, either the Max Air Time or the NDL.

Within the dive column there are two values: Maximum Dive Time / Tanks Used.

\*\*\*\* SI (Surface Interval): SI represent the time between repetitive dives in hour:minutes. The SIs used are either the shortest practicable time between dives (allowing just enough time for a quick tank/sack change) or the shortest time allowed by the RDP rules. *This table was calculated using the extremes (minimums and maximums); it is recommended that a diver always err on the side of conservatism and never use the extremes. This table is for example only and should not be used in place of your own dive plan.*

### Scallop Advisory Council, Dana Temple, Chair

Depth (ft)	Max Air Time (min)*	NDL**	Dive 1***	SI**	Dive 2	SI	Dive 3	SI	Dive 4	SI	Dive 5	SI	Dive 6	Total Dive Time / Tanks Used	Total S	Efficiency
30	:60	3:00	1:00/1	:10	1:00/1	:10	1:00/1	:10	1:00/1	:10	1:00/1	:10	1:00/1	5:30/5.5	2:30	69%
40	:53	2:20														
50	:47	1:20														
60	:42	:55	:42/1	:10	:18/4	1:00	:30/7	1:00	:30/7	1:00	:30/7	1:00	:30/7	3:00/4.2	4:10	38%
70	:38	:40														
80	:34	:30														
90	:32	:25	:25/8	1:12	:15/4	1:12	:15/4	1:12	:15/4	1:12	:15/4	1:12	:15/4	1:40/2.8	6:00	21%

The Scallop Advisory Council (Council) met October 30, 2008 at the Craig Brook Hatchery in Orland, Maine, for the purpose of generating comments on the proposed scallop rules identified above. By majority vote (7-3) the Council approved the following motion:

- The Council supports the proposed Zone closures, as they stand, with the 3-year sunset. We estimate that these closures represent 35-40% of the coast of Maine.
- The Council supports an increase in the ring size from 3.5 to 4 inch rings.
- The Council supports establishing a 200 lbs daily limit.
- The Council recommends amending the proposed season to 90 days, beginning January 1 and ending March 31<sup>st</sup>.
- The Council recommends establishing a one-year sunset for the season.

It is the opinion of the Council that these actions, in combination, represent a bold, significant shift in how the scallop resource is managed. The Council believes it should also be acknowledged that other components of the plan have already been put in place, including mandatory collection of landings data, and a limited entry system.

### Washington County Fishing Alliance - Testimony on the Proposed Scallop Regulations, submitted by Rocky Alley

1. We oppose the proposed scallop regulation

The areas that DMR has chosen to open and close will force fishermen to be more mobile than necessary. The limited days in a week will unnecessarily endanger the lives of fishermen by forcing them onto the water on bad weather days. The 52-day season is too severe.

2. We propose an alternative set of rules that we believe will:

- Gain more support among fishermen and communities along the coast
- Achieve conservation that is comparable to what is proposed
- Establish a stronger basis for future conservation and management

Our proposal is as follows:

1. A delay in implementation of 4" rings until the 2009-2010 fishing season.  
After the downturn in the lobster market during this fall fishing season and the need to gear over to sink rope for that fishery by April 5, 2009, the cost of gearing over to a 4" ring for the scallop season will prevent many from participating in a fishery that is an essential part of piecing together a living during the course of a year.
2. 200-lb limit as proposed by DMR.
3. Establish scallop management areas based on the same lines as the lobster zones,
4. Create a line within State jurisdiction to limit drags to 5'6"  
The line should be similar to the line that coincided with the former November fishing season. We support gear restrictions in this area, but due to tide and current outside we need to fish with larger gear. We have discussed working with fishermen from each of the 8 Districts in Zone A to define this line.
5. Close Moosabec Reach and other valuable areas.  
We recognize the importance of the broodstock in the Reach that reseed a huge part of our fishing area. This closure will be easy to enforce because any fishing activity occurring in that can be spotted from the shore in addition to vessel patrol. We support the DMR working with local fishermen to determine effective closures.
6. The season should run from December 1 through February 28 (or 29 in the event of a leap year),  
With a winter, small-boat fishery it is not safe to regulate by limited days.
7. (Second choice) Establish a split season

### **Terry Gray, Verona Island**

I am writing in to give my thoughts and ideas on the proposed scallop season. I'm an experienced scallop diver with 20 years of diving in Blue Hill Bay, during this time I have seen huge changes in both scallop productivity, ecology, and harvesting tools.

Scallop catches in Blue Hill Bay have been dropping off steady since 1998. I agree that something needs to be done. My concern is that by choosing the days at sea eventually the "full time" fishermen will find a way to keep the weekend fishermen out of the water. I attended the informational meeting in Ellsworth the major concern seemed to be with the days being chosen which would make people want to fish on days they would normally take off. This is a safety concern given the mentality of the people I listened to at the meeting. One way to get around it would be by giving the draggers one full week to fish then let the divers fish the next week. This approach would eliminate gear conflict and give the dealers steady supply for their markets. It would also extend the actual days without increasing the pressure on the fishery. Instead of having closed areas we may want to consider closing the whole thing down for 3 to 5 years and starting back up with the limited number of fisherman that maintain their license. At this point establishing closed areas would work better; fisherman wouldn't be as tempted to work in the closed area making enforcement easier.

During my years of diving the bottom has changed dramatically for the worst. When I first started diving there would be large areas of bottom that would be totally missed by drags allowing scallops to have a safe haven. At this time we were all using bottom flashers to tell the depth draggers would set a buoy out for a reference point to tow around. The boats of this time frame were generally using gas engines or small diesels which kept the drag size and towing speed down. There were twice as many boats licensed to scallop, but the bottom seemed to be able to recover, the drags may have been lighter to, this I'm not sure of. There are several factors that contributed to the changes they are the color bottom finders, GPS plotters, and the amount of horse power and torque in today's boats. I hate to see anybody lose the opportunity to work but by allowing dragging of any type inside the 3 mile limit is detrimental to the ecology of our Bays and estuaries. I am currently paying a research surcharge with my scallop license and would like to have some of that money spent looking at the destruction done by dragging and its impact on all fisheries,

I would be willing and make myself available to help in any way possible from open minded discussions to field work please feel free to contact me at (207) 469-3436.

### **George Freeman, Scarborough, Scallop Advisory Council member**

My name is George Freeman and I'm a scallop diver/ ex dragger from Scarborough. I'm also on the Scallop Advisory Council representing the southwest area of the state. After going to the public hearing and listening to what other fishermen have to say, I would like to clarify my previous comments.

I'm in favor of the 4" ring law. It is a great conservation tool not to mention that we have to align our state regulations with the feds anyway.

I am in favor of the area closures that are proposed. Some of the closed areas are severely over fished and this will give them a chance to rebuild to sustainable levels. Coupled with brood stock enhancement and spat collecting it can really help the resource.

I am in favor of putting a 1 year sunset on the season length so we don't automatically revert to the same season next year.

I am NOT in favor of a 52 day season. DMR is putting all the blame on the collapse of the fishery on the fishermen. They fail to take into account the cyclical nature of scallops due to environmental factors. They have no science to support their position. Landings data is only what is reported by dealers and is a fraction of the actual landings. The high levels of scallops they reported for the early 80's actually came from federal waters so it's like comparing apples to oranges. As far as port sampling, in 30 years of scalloping I've never been port sampled nor do I know anyone who ever has. And DMR is going to use this as proof we need a shortened season??

If over fishing was the only culprit then you would expect that states to our south (Massachusetts) would have huge numbers of scallops on the bottom because you can't drag within 3 miles of shore. This translates to no fishing pressure. I had a commercial dive license in Massachusetts for almost 15 years and still dive there on a friend's boat. They have the same problems we're experiencing Low recruitment of juveniles. There are plenty of adult scallops but because of some factor, probably environmental, they are just not showing up in numbers like they used to. So let's not blame it just on the fishing pressure unless DMR can substantiate their claims!

A season reduction from 136 days to 52 days is just too drastic a measure. The SAC has worked hard to get the fishermen involved in this whole process. We are at risk of losing all support from them on all our other accomplishments if we don't have more days in the season.

The Legislature wanted us to come up with a "bold" plan for managing scallops. I believe we have accomplished that goal by establishing mandatory harvester reporting through logbooks, limiting entry into the fishery, increasing the ring size to 4", closing almost

40% of the State to harvesting, increasing penalties for violations to a severe level, setting a 200 lb daily limit and permanently closing off small areas for brood stock and spat enhancement.

The proposal the SAC has on the table now, after last night's meeting, calls for 90 days of fishing. Jan. 1st thru March 31st. We've eliminated December and 15 days in April from the season in response to the fishing industries concerns, a decrease of 46 days (approximately 34%). This is the way to incrementally reduce the season instead of randomly cutting the season 62% as a knee-jerk reaction. If in 2 years we get better landing reports thru our logbooks and the data suggests we should reduce our season again then I would support a further reduction in the season. All in all I think we are on the right path and have done a lot in the past year towards bringing this resource back but a 52 day season which neither the SAC or the fishing community at large supports is a big mistake.

#### **Senator Kevin L. Raye, Perry**

Below are my specific comments on the key areas of concern with respect to DMR's proposed regulations.

11.09 - SEASON: The prospect of limiting scalloping to specific days of the week will without question force fishermen to go out on the water on bad-weather days in order to make a living. This proposal must be eliminated from further consideration, as it poses an unacceptable risk to peoples' lives. Instead, in order to address conservation concerns, perhaps it would make sense to revisit the December 1 to March 31 season. The attached proposal suggests a season running from December 1<sup>st</sup> to the last day of February, and I know that others have suggested other alternatives that would negate the need for closing down the fishery on specific days of the week.

11.10(F) DAILY LIMIT: Scallopers I have heard from support the 200-pound limit.

11.10(H) CLOSED AREAS: The Department's proposal for closed areas seems poorly thought out, devoid of local knowledge and input, and determined without regard to economic impact. This is a serious flaw. Closure areas should be determined as part of a consultative process and in the context of local conditions, with any such plan incorporating an understanding of which areas logically offer the most benefit to seed new scallop beds.

Specific to the Jonesport-Beals area, in a demonstration of the local innovation that can work so well, the group gathered at Jonesport-Beals High School proposed as an alternative the closure of Moosabec Reach to scalloping as a measure designed to reseed a critical portion of the local fishing area. They believe this would be easily enforced as the entire area is clearly visible from the shore. They support having DMR work with local fishermen in other areas to determine the most effective and logical closure areas.

Along these lines, I hope that you will also consider the strong sentiment I have heard in support of instituting zone management for the scallop fishery – a provision that is contained in the attached proposal. Perhaps this could best be accomplished by utilizing the existing lobster zones. I believe the example set by the Cobscook Bay Fishermen's Association demonstrates that this would be a wise and thoughtful approach that would result in more buy-in from the fishermen and assure that conservation measures are appropriate to the specific circumstances of each area.

As you can also see in the attached proposal, while there is a recognition that a 4" ring size will be instituted, there is considerable support for delaying implementation of the 4" ring requirement in order to allow time for fishermen to earn the money required to cover the cost of changing gear over.

Finally, the attached proposal also reflects the group's support for creating a line within State jurisdiction where the drag size would be limited to 5'6". The thought is that this line should be similar to the line that coincided with the former November fishing season – and determined in consultation with fishermen in each affected area. Outside of this line, due to tide and current, larger gear is necessary.

I trust that you will carefully consider these points as the regulatory process moves forward.

#### **Ellsworth, October 6, 2008**

**Togue Brawn (TB):** I'll keep this very brief...just the reasons, you know, how we got here today. Um, the resource has declined precipitously...the Department wants to get serious about bringing the resource back and believe that bold action is required. Limited-entry was just the first step in a long road to work down that process. Um, and we've been working with the Scallop Advisory Council over the past year to try to come up with ideas of how we can bring the resource back. We've filtered through a number of different options. Three things that stood out that we all seemed to agree on...maybe not in the specifics but in general were closures, enhancement and season reduction...prior to the last SAC meeting we charged the - SAC is the Scallop Advisory Council - with coming up with serious closures of the coast. We were talking about a third to a half of the coast being closed as well as the serious reductions of the season. At the last SAC meeting the Department recommended a 6-week season.... The Department was working with them as well...their recommendation was to come up with these proposed closures and we did tell them they had to come up with something serious. So, I don't want you thinking that the SAC just came up with this on their own. They...we told them if you don't...we want you to come up with closures and we would appreciate your assistance. But either way we believe it's necessary. So this was their recommendation given that guidance. They also recommended a reduction of the season to 80 days. The Department didn't feel that that was significant enough and so we have gone on and further reduced that to 52 days. They recommended extending those 52...extending the length of the shortened season by having days on and days off and their recommended days on were Monday, Tuesday, Wednesday, and Saturday. Just to give you some guidance, the Department feels that it's important to have no more than a 52-day season. We feel pretty strongly about that. We're especially interested in hearing what your thoughts are on when those days should fall. So I'll leave it there but I'll say if you do have questions I might not be able to answer them during the public hearing process but I'm happy to stay afterwards and give you all my contact information. I can either answer your questions tonight or over the next few weeks.

#### **Brennan Spofford**

I don't think...you tell us we can go fishing Monday, Tuesday, Wednesday, Saturday. I mean what of the weather...somebody's going to get hurt. It's my feeling on it. If I have to go fishing on Wednesday because I can't go Thursday or Friday, I'm going to go fishing. I mean it's not...it might not be the smartest thing to do but if you only have certain days you can go then...I just don't agree with it. I think it's BS.

#### **Dana Black**

And I agree with him on we shouldn't be told what days we have to go. You're going to give us a 52-day season. Give it to us so we can go whenever we want to go and take what days we want to take off. It's when you start telling us what days we can go, that's just more you can take away from us in the future.

### **Sue Buxton**

I manage Ingrid Bengis Seafood in Stonington. Question, is the 4-inch ring a done deal? I mean it sounds to me like a lot of this is a done deal. [L. Churchill (LC): The 4-inch ring is a legislative...was passed by the legislature this last session. It is in the statutes now and by law we have to adopt it as rule. That is a separate rule making. I'd be happy to take a written comment from you afterwards if you'd like, on that one.] So we'd need to make...anybody here that's opposed to that needs to make a written comment? [LC: Either that or come to the hearing on the 27<sup>th</sup>. But, I have plenty of paper tonight and if anybody would like to give me a written comment, I'll be happy to take them down afterwards.] Will that make a difference? [LC: I can't answer that. In terms...if you want to go back to the legislature and change the law and the statutes that's what would have to be done also.] So on anything we're opposed to it has to be in writing and then there's...will it make a difference? [LC: That's a statutory change. The proposals tonight that are underlined on these two pages are not in the statute.] Um um. [LC: These are up for grabs essentially and that's the point on having the hearing on these items tonight.] And where is that hearing again...I'm sorry...the 27<sup>th</sup>? [LC: Boothbay.] Boothbay. As a dealer I understand that a lot of folks got something yesterday about the 4-inch ring size. [LC: That's what I was just describing.] I never get a thing...halibut, scallops anything. As a dealer how do we get put on? [LC: Talk to me afterwards.] Okay. I would like to get put on a list for that and I think a lot of other dealers...I mean we should be kept abreast of that. I also agree with the set days is ridiculous...that's just ridiculous. Wall Street didn't have enough regulation and man you guys are putting it on to all these fishermen at a terrible time. I'm in total disagreement.

### **Jeff Boyce, Stonington**

I believe that closing such large areas will put more pressure on the open areas and devastate the beds. I mean you're going to have all the boats bunched into one area and fishermen are going to have to travel from their home ports...miles to get to a fishing area. I mean I don't think it's fair to the fishermen. You know, the day trips...he comes home at night and his kids, wife, you know...that's the way I feel about it.

### **Jon Carter**

I'm opposed to the whole thing. First of all, the scallops are on declined. If you were to talk to the old...well, all the old guys are dead now...but scallops did this. This is something they do. I mean you can do anything you want. There's nobody fishing scallops in my area because the scallops aren't there. We've regulated ourselves in that way. Until they come back, we won't fish on them. But if this does go through, I'm definitely opposed...against the season. It's not enough. I'm against the days...like that young fellow said. You put days on people and they have bills to pay then somebody's going to get hurt, and a 200-pound catch limit...if you did find a few scallops you can work and work and work to find a 200-pound day. You sure as h\*#!- don't want to leave it when you find it. I think the scalloping would take care of itself if you left it alone because we're not going to work if we can't make money.

### **Robby Gray, Deer Isle**

I'm opposed to the whole mess. Dividing the state up into these areas will put a lot of pressure on the open areas and when the closed areas open up if there is scallops there, you're gonna just devastate it. The 200-pound limit...ridiculous. The days are ridiculous. We've have big boats down Gloucester Mass and all them guys go out when they have to go...we've lost crews. That's a safety issue. You haven't even tried the 4-inch rings to see if that will help bring back the scallops. They've been using it in New Bedford years...for years. It does work. They've got a pretty good industry down there. I've been a part of that too. The 200-pound limit I'm really against and the days.

### **Dana Black cont**

I'm against the closed areas. I mean how much conservation do you need? I remember like in 91...I was just a senior in high school fishing weekends and I'd skipping school and going and you'd go down the Bay and see 80-90 boats. Now I'm out there in February and I'm lucky to see one. I mean how much more conservation do you need than that? And the 4-inch rings...I mean how about us guys with chain sweeps...we're beating through the rock piles with 3 1/2-inch rings and the corners of my drag...I'm losing scallops that big when I set my drag on deck. With 4-inch rings we're going to be losing more and there ain't many scallops. With 3 1/2-inch rings you stay in a spot and you fish. When it gets down you get up and leave. With 4-inch rings we're going to be pounding out more legal scallops out of our rings so we're going to stay there in that spot longer, or at least I am, and we're just going to be killing more. I think the 4-inch ring is ridiculous.

### **Justin Boyce**

Well I think the day limit that's a mistake as he was saying. I mean you're going to get people hurt that way. I mean there's people that's got to pay bills are going to go...there's no stopping them. The 4-inch rings...that's just going to make people put in longer days...I mean from what I see. And I've got a question the closed areas. Are you going to have any kind of seeding program at all? Is there any way to bring anything back to something that is not been anything for 20 years? I don't see the point of closing it if no one's going to fish there anyway. You have to have some kind of reason to or something to build them back up. The heads of these Bays...I mean there's nothing in them...what's going to go up there? I think there needs to be more of a plan before you put all these rules in...more thought.

### **James West**

I don't think the State really learned a lesson. They put 51 days on shrimp...I don't know what year that was...but that's what ruined the shrimp market. I don't know if you guys know that or not but that's what ruined it. Resource trading bought a lot of shrimp, rented two peelers...leased them I guess for 6 months whatever, couldn't afford to lease them on 51 days so they stopped. There wasn't hardly any market in Portland...you know, sell it to the Fish Exchange that was about it. Few small dealers well, I don't get how you think you can limit the days...52 days...and that's going to help out the fishery. I agree with Jon Carter. My father back in 69-70 there was tons

of scallops in Castine. They went up there...they cleaned them up...a lot of them swam away. They went somewhere else...they got pounded...so they left. Everything comes back and everything goes in cycles. Scallops will come back. They're coming back in Frenchman's Bay little by little, but, if you close it for three years I don't see how that's really going to help much...maybe but probably not. And another thing, if the State's really trying to save Maine's fisheries and I'm talking about all of them, you got to really sit down and think about let the full-time fishermen fish and the part-timers stay part-time doing something else...whether they're carpenter, dentist, mill worker...whatever they're doing. They don't make 80 percent of the income from the ocean, they don't get a license. That would limit a lot of the fisheries. You'd take a lot out of lobstering; you'd take a lot out of scalloping, sea urchin whatever it is and would help out people that making a living from the ocean most of the time 12 months a year. There are a few who only fish 6/8 months, take the rest of the year off because they've made enough money doing it. So they'll do something...just dabble around or whatever. That's how I feel and I'm pretty sure a lot of other fishermen that make their living from the ocean would probably agree with me.

### **Cecil Holden**

I'm against all these areas closing...did that once in southwest of Swans Island. You go down there and there'd be 80/90 boats there and they cleaned that right up, butchered it...and I think with scallops get ready to come back...they'll come back in pretty good style and everybody...you've already taken, like my license in 08 I guess you can't get one...is that true? By April 08 or something? [TB: If you had a license between January 1, 2005 and April 30, 2008, you can get that commercial license in 2008.] But if you didn't, you can't right? [TB: Correct.] So we're already limiting a lot of people right there that didn't get it I'm sure. So I'm against this thing as is everybody and I think probably everybody here is if you just want to get their names and make it short.

### **John Higgins**

I've got a 5-minute thing I wrote down but I don't think everybody wants to hear me. When I went to the hearing...where I testified where I didn't support the limited entry, I made a commitment that I would go to all the Scallop Advisory Council meetings. I went to all but one and I'm going to continue to make that commitment. I don't support this for much of the reasons that these gentlemen said. The big reason is these are just holding areas. These are closed areas that's going to be very difficult...as good as Marine Patrol is and they are the best...because if these holding areas don't have any plan for when they open. It's like closing a clam flat and opening it, it's going to get devastated more so than it ever had if you never closed it. We've lived through this in Hancock County. We're in an area that used to have lines and we've lived through some of that. So I don't support these closed areas. If they were like Justin said enhancement areas or something and there was a plan to do something in these areas then I may support it. The LD2071 it asks us to develop a strategic plan to rebuild and manage Maine scallop resource. I just don't consider this a strategic plan. I've been meeting with the Cobscook Bay fishermen and I believe that's more of a plan to rebuild our scallop resource. I'd rather see us go along those lines. Probably one of the biggest things I've got in this paper that I wrote that I'm going to submit so it's in writing is that I would much rather see us move towards the same way as gentlemen managed their lobster fishery. I'm kind of jealous of the lobster fishery to tell you the truth as a guy who really, my heart is in scalloping and I don't make my living doing it anymore. Thank God I've been buying a license. I'd like to move toward...if we're going to have area management...I'd like it to mirror the lines that we have Zone C, Zone B like that type of thing. I'm not saying that if you're in C you're confined to C...that's the only place you can scallop but I would like to see more local authority and to me you've already set the table on how to do that and I'm not big on reinventing the wheel. So I'd like to use those lobster zones. Most scallop fishermen in Maine are lobster fishermen that go in the winter. That's about it. I go into more detail in here but I just don't support it. I do appreciate the attention that the Department of Marine Resources given to this...to the scallop resource. I just think that this is not a plan that's going to help us that much and I'll submit this.

### **Ed Monat, Bar Harbor**

The only thing I want to mention is if I know this is hard with the two different fisheries but if you're going to close an area for scalloping...scallop dragging...I think you need to look at the pickle boats too because last winter I was working right beside pickle boats all winter long and there's no doubt they were right in the scallop beds too.

### **Sam Beal**

Not a scallop fishermen, never have scalloped. But I have bought a lot of scallops from a lot of boats since 1977 and I've seen in the last 6 or 8 years the scallop fishermen that fish in the area from Duck Island to Bass Harbor Head in that area Bass Island, the harvest there went dead. It hadn't been dramatic and great for many years. It went through some cycles where it withered out a little bit for a while and then it came back again. But the last few years there have been almost no boats fishing there and the ones that do go there don't find much. One fisherman told me just today that he had seen just before the disappearance he had seen scallops that really were in very bad condition. They were alive but they were infected with something. I did hear recently there is a big bed offshore in federal waters just outside of Duck Island that would appear that scallop spat although it was not landing in that Duck Island area it did get produced somewhere and it landed outside. My figuring is probably the prevailing wind carried it outside during the time that it was floating. The evidence is that you can in that area harvest millions of pounds of scallop meats on hundreds of boats and not hurt it year after year after year and then when the scallop decide to do what it's going to do then it goes away. I don't think the fishing activity has really ever hurt that area. But when there is some other condition probably weather, could be the life cycling of the scallop, which other species do go through failure periods when they just die off and maybe the scallops have done that. The lack of activity will bring it back when the scallop is back...no problem, let them have it.

### **David Heanssler, Deer Isle**

I've been a scallop fisherman active 38 years and here's a news flash...big scallops come from baby scallops. I used to fish Duck Island, back side of Swans Island year after year. We'd see hundreds of boats out there...a hundred boats out there at a time. The scallops always came back because of the small scallops behind them. When we stopped seeing the small scallops that's when the business went to pot. We had 2 or 3 years after the small scallops disappeared when we were able to get a few scallops out of there. Who knows what happens on the bottom? What happens to those small scallops? We went offshore and caught scallops in spat bags, brought them up in the bay and nothing ever happened to them. They disappeared. We know that crabs and lobsters love scallops so we got an overabundance of crabs and we've got an overabundance, well not overabundance of lobsters. I like it this way but everything eats a scallop because it's on bottom and it's a free meal. I'm opposed to all this stuff. You'll see scallops come back when

the other stuff decides that they don't need to eat scallops anymore or they'll dwindle down so that they'll...competition for food. As far as the 200 pound limit I've caught as many as 1,000 pounds in one day. You're just wasting fuel if you make a guy come in the middle of the day and to run him out again. Why not give him a poundage...we've got to fill out the forms anyway...even with poundage and let him get his poundage if he can do it in 2 weeks or a month...let him get that and get it over with and go to Florida or something. Scallops will be back and we're seeing some signs of that in our traps now. Thanks.

**Dana Black cont**

I want to know where you come up with closure areas? Why you decided to close certain areas?  
Well how did you get that information?

**Robby Gray cont**

One question I forgot to ask. How are you ever going to enforce these lines? You could never enforce the lines down Swans Island. You're going to make criminals of fishermen. We've seen it.

**Scott Young, Winter Harbor**

I lobster typically up to the New Year and then go diving on urchins and scallops, and 31 of your proposed 52 days whacks right in the middle of my late season urchin season so that kind of handcuffs me as far as getting a few scallops. I was just kind of curious, is this a done deal or is this a proposed still?

No I know my other season, which is a done deal.

And very similar things we're discussing right now.

Just thought the Monday, Tuesday...it's not the same season it's almost an overlay.

[LC: You'd like to see it separate days from the late...]

I ??? do both I'm going to go urchining, it was nice if there was a lull in the market urchining I could go get a few scallops.

**David Sargent**

And I agree with this guy here because I'm in the same shoe as he. I also urchin and that does land right on the same days. If I'm not mistaken there's a law written that you are not supposed to scallop and sea urchin at the same time.

In any case, the same as him. One, I disagree with this and two, I can't go on Monday, Tuesday and Wednesday if I'm urchining. I'm already forced to work days that are too rough for me to go at times but I've got to pay bills so I have to go. As far as 52 days...why...the urchining season has been like this for the past several years now. So, if they're going to have 52 days why not make it easier for all of us, everybody, as well as Marine Patrol to enforce that, let them have 52 days and then shut it off? You know, going Monday, Tuesday and Wednesday is just going to be like a yoyo.

Go straight 52 days and then if that's so how they choose to go with 52 days.

**Brennan Spoffard, cont**

Well I don't agree with that.

**Jim Dow, Bass Harbor**

I disagree with the whole plan. The open areas I agree with most of who spoke tonight. You're going to put all the pressure on the open areas until the closed areas are opened and everybody is going to wipe out those areas that re-open. The set days you're going...people are going to be fishing on days they shouldn't ordinarily be out there. It's going to be dangerous. And, the 200 pound limit with the fuel prices now is way too low. It's getting hard enough to make a living fishing now, and with fuel prices and all 200 pounds is too low.

**Brennan Spofford cont**

I have to agree with that also. No, it's too low. I've fished 2-3, 8 trips. I fish away from home. We stay on the boat. I'm not going to land my scallops. Yes there are times when that would have cut us short. We would have had to come in early on the second day.

**Dick Bridges, Deer Isle**

I opposed all of this. I'd like to see DMR stay out of it and let the zones take care of it.

The lobster zones...for everything we do. ..

**John Higgins cont**

I hope I got that point across. I agree with Dick that I'd like to move towards more of that local authority...the same zones that we have. I don't want to make new lines.

**Brian Gordius, Bass Harbor**

I oppose all of it. The number of days no good; closed areas no good...just like the Swans Island. You even put it in the paper when you did that. Told everyone where to go. Put boats here...70 boats here...move them here...70 boats...then 70 boats here...80 boats, 100 boats then move them here...here...here. That's the most efficient way to clean any piece of bottom up you ever seen, and then the pieces you don't get the divers get the rest of them. So, I oppose all of it. The 52 days is no good in the middle of the winter. Starting in December 1<sup>st</sup> or January 1<sup>st</sup> whenever you do it, you're not going...I've seen the whole month of February you can't even go fishing. You're trying to limit it 52 days them months...no good.

**James West cont**

I don't agree with the zones having control of it not unless you're going to let other fishermen go into their zones because I've scalloped since the first part of the 80's and haven't done much lately but I live in Frenchman's Bay and I've scalloped anywhere from Eastport all the way to Portland and it's just...sometimes you just have to travel to find scallops. A lot of times they're not in your backyard yard. Back in the 80's & 90's the State put on lines [where] there was gear conflict with lobster fishermen so they started November 1<sup>st</sup>. You

could only go here, then November 15<sup>th</sup>, then December 1<sup>st</sup> and there was another one after that I think. That put a lot of pressure on scalloping and that really I think started the decline of the scallop stocks. And then also another thing that declined the scallop stocks is when they had a big boom with the sea urchins and the divers come along. There was only a few divers back in the 80's not very many. Then when the sea urchin boom come along there was hundreds of them. That put a lot of pressure on scalloping when they couldn't go get sea urchins, they went after scallops. So if you have...my father told me back 25/30 years ago he told me and I testified to this up to the meeting in Augusta when you tried to put the closure on scallop license I testified up there. My father told me back 30 years ago I'm guessing he said divers would be the ruination of scalloping. I told him he was foolish and said nah, they just pick a few or whatever. I kind of think that that has a lot to do with it and I've got a lot of friends that dive for scallops and get along with them fine. But when you're dragging, the draggers get most of the stuff in the deep water and you can fish in shallow water too. But what you don't get is seeders so the divers you know will get those and vice-versa they can't get in the deeper water where we get. So you know I guess we both got to take a little bit of I guess...effort saying we did decline some of the scallop resources. But I think the State had a lot to do with it back when they put all these lines on...I think that really declined the stocks. Like this gentleman was saying, put all the boats into one area. I mean I've seen [what it] used to be...when I started scalloping there was 12 boats in Gouldsboro Bay and then there was 17. It went that way for I'm going to say 6, 7, 8 10 years and then all of a sudden a couple guys run their mouths and told everyone what we was catching. The next thing you know there's 33 boats, then 60, then 70, then 80 and everybody and then the lines would come on before that so the guys couldn't go on a lot of places so the guys from the western and the guys from the eastern come to Gouldsboro Bay. Well, what happened? You put that many boats into a small area and so many drags and then so many divers because they were closed too. It wasn't that they was opening...you just put all of them into one little area and you devastate it. The same thing happened down in Cobscook Bay and that's why the fishermen down there went to this smaller limit to keep the guys from the westward from coming down there. That was one of the biggest reasons to start out with. They can say it was conservation or whatever but that was the biggest reason they wanted to do the limit...135 pounds...is so boats from the westward didn't come down there catch 600/800 thousand pounds like we did when we went down there. That was a lot of it. And now that's the only place in the State really that has a healthy resource of scalloping. But it's also got to do with there's a lot of tide down there. There are not many divers down there and there's not really a lot of boats that go dragging down there now. I think before this goes before you say this is in stone, it should go back and think about all the stuff that's happened over the past 20 years or so and then maybe take a little bit from each whatever. But, I don't agree with this at all.

#### **Dick Bridges cont**

I'm not saying to close it off for other fishermen that come in. I just want each area, the fishermen take care of their own area, more or less but don't close everybody out.

#### **Jon Carter cont**

I have a question. Being involved with all the lobster stuff I've been involved with all these proposals we've had thrown at us have had some scientific basis behind it. Where's the scientific basis behind any scallop proposal? Is there any? And, if so everybody in this room knows more about scallops than probably any scientist around. I know Sam Beal had to say about watching things progress around Duck Islands. I was fishing there at the time we left real good fishing and when we went back the next year they weren't there...had nothing to do with us. We were seeing blue scallops...they'd have a blue tint to them and all of a sudden boom they're gone. Mother Nature plays a big role here and man always seems to take it on the chin and you've heard guys testify today that they all think this will come back. I know my ex father-in-law who's long dead now told me back years ago scallops disappeared...nobody went scalloping. They came back. I'm really...it makes me nervous that you want to regulate that you know nothing about. So, again, I'm against the whole shooting match.

#### **John Higgins cont**

I went to SAC meetings and very quickly these people on the SAC they've got a very difficult job. They're asked to choose between bad and worse...that's how it is, and then they're worried about going back to their towns and getting blamed for everything. So one, I want to support them. When they first were given areas to look at they were the urchin survey areas. They were larger areas than this and they were like the urchin survey areas. One of the gentlemen said wait the areas are so large if we close one a guy couldn't possibly steam to go fishing at all to that area; so to try to help the fishermen he made the areas smaller and they called it bay management. That's how some of these started to shape. That's how it was. It's something that I don't want to see those guys on the SAC being blamed for that they picked these areas. They were asked to choose between bad and worse like I said and then they made the big areas smaller making more areas so that guys might be able to steam over to get to an open area. That was their thought behind it. I just think that they're asking way too much of Marine Patrol to possibly do all of this with these closed areas that are just going to get pounded on when they open.

#### **John Jones, Deer Isle**

If you're going to be on the SAC the first thing that you should do is you should have a say on what's going on. It shouldn't be better and worse. You should be the ones telling the people what is going to take place. I disagree totally with this whole conception that you've got up and down the coast these lines, bay closures, leave these scallops alone, they'll come back and they'll be as plentiful as they ever was. Just the economic part of it, the price of fuel, the poundage...you've cut off all the young ones that want to go into the business and they don't have a chance anymore. I think it's ridiculous to try to manage something that you really don't know that much about and I've done this for quite a few years.

#### **Mark Morey**

I remember a long time ago before shoresegging. I remember this State was once known as a lobster state and there was that one time when shoresegging came around when they had an unregulated when it first started surplus...I mean it went past the poundage of lobster before they put in laws and regulations. And, the thing is scalloping...I've done it for years...many years, 30/40 years and at least 30, I'm only 47 anyway. The thing is I do agree with what Jon says scalloping will take care of itself and now I'm not saying that we should not discuss...like I mean dismiss closures in certain areas and stuff like that it's been overfished...that's for their towns and their zones to vote on...stuff like that. But I don't think it should be like a state or federal issue or something like that. I'm just saying

that the fishermen take care of their grounds and they do know what's going on along with the DMR, our representatives and all that s\*\*\*. We speak our minds. I don't know. It's a touchy situation. It's just I always made a living out of it as a kid growing up and it was always a surplus thing for lobster fishing to make some other type of industry when they weren't lobstering and stuff like that. Like you'd call a year-round income, and now it's not there and you've taken it away from like 80/90 percent of the people that probably almost 100 percent of the people. It's almost like targeting an area and yes some areas have to be targeted and some areas...I don't know. All's I'm saying is I just don't know.

#### **Tim Robinson**

I'm a diver in Blue Hill Bay area and I think we ought to protect the nurseries because everyone knows where the little ones are. I know where there's trillions of little ones and they get hammered on and everyone else...the draggers know where they are too. There are nurseries in every bay. I think we ought to look at closing half of the nursery or something. I know everyone knows where they are. Maybe you could do something like that. We've got to do something because it has declined but like this year I'm moving on...every four years I move...I don't do the same rock piles. It's just all the little ones I left. I got checked once last year out to sea. We've got to be checking...there's no compliance. We get \$100 a gallon for little ones like that...we're going to take them. We hardly ever get boarded. We need to get boarded more and we've got to start growing little ones. Hang on a second. Can I just say one more thing about can we start growing the scallop spat and we've got to start reseeding the areas even taking some of the seed out of the nurseries and seeding it...and some rock piles don't have any seed. It's weird and some do and you could...we need to seed in the areas. I guess that's it.

#### **Gary Hatch, Advisor to NMFS for Maine**

I've been at this since 1972 so I've got a little time in and I've been scalloping 46 years. If anyone doesn't know me, I've fished all up and down the coast; also been involved with ASMASS[?] and Kevin Stokesbury and some of the science...I'm a member of the survival fund in New Bedford...I own a big scallop...Maine Scalloper out of New Bedford now plus I've fished all my life up here. I am totally opposed of this. I sat through most of the meeting with advisors and I couldn't believe the state was letting it go...nothing against them guys, they were in hard spot and they tried to dig the whole deeper I guess. This won't work. That's why I sort of waited because everybody here's testified. Number one you don't set days that guys can go to work and expect not to have a catastrophe. We've tried it and you're going to end up with boys dead. We've done it in the ground fishery and in 54 years of living in Port Clyde or growing up in Port Clyde we never lost anyone until 2 years ago. We've lost 2 boys...all because of stupidity and this is the road the State's taking us on. I stepped out of the state management for eight years and after what happened to me as a state representative with our general category scalloping, I said I've got to come back home and work with you guys because if you don't you're not going to have a scallop industry at all. Because we lost our general category to guys who only been fishing 2-3 years and I might sound harsh but you don't know how many nights that I've drove up and down the highway wishing that just a handful of guys that are sitting here would have come to just one meeting with me at NMFS because we'd still have a fishery. So I'm back and I guarantee you you're not going to like me time I'm done with you but I'm going present to you everything as best scientifically and logically as we need to do to rebuild our fishery. Now I'm going to the seven zone meetings that we had with the lobster rope thing...the sinking rope. I attended those to just get a feel of how your zones are working and this will just go to you guys as lobstermen. You really, really, really got to get your acts together and I don't mean to criticize you but you're getting steam rolled and we've got the most representation of any fishery in the United States and we're all sitting on our a\*&!!- doing nothing about and we're just letting NMFS and the Atlantic States run over us. I'll just use one point for you to think about as an offshore lobsterman in the Gulf of Maine and I was the last one to go so that one big company in New Hampshire could have it all to themselves and where was our representation? He and I had our little go around about that. That's how bad we are being represented and we need to change that. I've gotten something here that's both scientific and makes sense and I know probably a lot of you won't like it because it does set a lot of restrictions. It does what several of you said, we've got to realize that everybody can have a piece of the pie or we're all going to go hungry. So we're going to have to sit down and say, okay where do we cut the pie and how. I think John has brought up my number one thing. When we make management that cuts our kids out of the fishery we're failed before we even started. I'll go to my grave feeling that way. Anybody wants one this is it...it shuts down small areas that are known for concentrating scallops. It's not a one or two year thing. This is a joke. I'll tell you to your face. It is a joke. If this is the best the State's got we don't need them. This won't work. It won't do anything. All's it's going to do is cause hardships and in the end Mother Nature might save you because as many of them said if we get a good year class...it comes down through we might get something to rebuild. But I don't feel that we can really sit on our hands that long. Again, if we go back to 1957 we had the same thing with the blue scallops go through, exact same cycle. So it proves what everyone in this room probably knows is we got a cycle but how do we enhance that cycle. I hope I've thought it out well enough so that you guys will accept it.

#### **Bruce Damon**

I'd like to oppose all of this. I fished basically pretty much 30 years up and down this coast and I'd make a funny joke. I know more places where there's no scallops on the coast of Maine than anyone, lighten it up a little bit. For many years the scallop industry has been pretty nomadic type of fishery. They're not right out in front of your own Harbor always. It's kind of like a mobile type of fishery. We wished they were always there but they aren't. I know in my travels I've travel in a small 32-foot boat up and down this coast a lot and the industry's already had quite a bit taken away from us in my generation. We used to start November 1<sup>st</sup>. They have taken away a whole month away from the fishery right there. They have regulated drag sizes along the way. There was traditionally if you had big enough boats you could put 8 or 10 drags on it if you could hold it, and they cut that down, made it a little more on an equal basis. But the other thing is when I read these rules I didn't sleep for a couple nights just thinking about it. Two years ago I got this different boat and I just spent \$20,000 rigging it up and I had a little bit of trouble. I had some mechanical trouble that year and never really got going. I think this scallop fishery along this immediate coast, the state that the lobster business is in right now, might be a savior for a few guys, you know to get through, be able to have some sort of steadiness. I'm not saying you're always going to get 200 pounds every day. They aren't always everywhere. You've got to search for the scallops anyway. I never, ah, went out my first tow and just come up loaded usually, had to look out all day, sometimes end up the last two hours in the day making a day's pay. And, I'm sure that a lot of people here I'm speaking for them, putting in a long day and then get lucky for a couple hours. I didn't understand, I didn't see that when I came in...I read this but which ones are closed?

[LC: The red represents the text that you have in that handout. So in other words, what is written down on the piece of paper are the red areas.]

Bruce Damon: Okay. From my point of view where I live either I've got to go away and camp in somebody else's harbor and live on my boat, which I don't want to do, or it looks like I've got to be steaming for about 4 or 5 hours a day to get anywhere where I can maybe produce...unknown, whether I can find them or not. It's the harshest time of year for any of us to be out there. The fellow was talking about losing people through the ground fishing. I know the story he was talking about. I have a relative I've lost at sea because of fishing hard weather and I've lost a lot of friends and we've all lost friends along the way. This is going to force people that just go scalloping to get really get in trouble. This day thing...the 52 days...when I first heard that I says that makes maybe 26 that I can maybe produce anything...just accounting weather. The weather don't know if it's Monday or Wednesday. The weather don't know if it's Saturday. You've got to take it like it comes. So generally I am opposed. I see that...I don't even have a chance to make an 11 if I rig up. I've been contemplating this year. My uncle was asking me...Senator Damon is my uncle...he was asking me how will you know when the scallops come back. And the way you'll find out is somebody foolish enough, or got enough courage like me comes in with a few buckets and then you're ears will go up and the eyes will open, oh there is a few around. By the way, when I did go this year, I will tell you along with mechanically, I'll get it straighten out...one of my biggest problems 70 percent of my tows that I tried all the way from Long Island to Winter Harbor in any depth that I tried from 23/25 fathom down to 2 or 3 fathom where you could float your boat. I had 70 percent ghost trap trouble...meaning 7 out of 10 tows there's traps down there, and that...it just ruins your tow anyway. You might just as well have an upside tow. You don't get any scallops. Well, that's a big...that's conservation right there, if you want to think about it that way. It'd take quite a while to clean those traps up. I would like to ask the board to go back and rethink this thing before you make it clad in stone because there's x amount of people in here but I bet every one of them represents 5 people in a family. It means quite a lot to us. So I hope you can think about it in that way. Myself, personally, this already tells me that I'm not going because I can't afford the fuel to go and do that.

### **Dick Bridges cont**

I feel pretty good about when I turn around and see this crowd behind me and I want to say, you young fellows want to stick together like this man said because we're all going to have to stick together if we want something...so, good luck.

### **David Leach, Steuben**

Why we here tonight is the big question. You guys have already got your minds made up. They sent you two to make...to powder coat it right? Am I right or am I wrong? You know it's facts. Every meeting we've ever been to, we get a letter the next month saying you've already gone and done it. Ever since I was a kid, I fished, with my parent, my father, uncles. Gouldsboro Bay was one to talk, bays around for scalloping. I've seen times when they'd work all winter long for a bucket of day and that's facts. Where was management back then? Then I've seen years where they'd over there get 1,000/1,200 pounds, next couple years they wouldn't do much. I just...I can't fathom this other than it's right off the wall. Always talking compensation...I think we ought to take the fishermen here and get a petition together and start canning some of these politicians out here in Augusta...how would that go? I'm all for that. I think there's enough chaos in this Country right now going on...the Dow is down 700 points today and you guys trying to boot us out from scalloping now? Come on. Is it clicking? I say we get a Jewish lawyer and we all stick together...I'll put the petition out. I'll write the petition. I'll get a piece of paper here tonight and everyone here put their name and number and everything...I'll be the head of it...we'll write a petition up and we'll manage this the way we want to manage it. Put the pirate flags up...do what we want to do. This is getting pathetic. This is United States not Russia. It's all dictatorship. I tell you what. I'm not the only hothead about this. There's a lot more Downeast and furthermore that's even hotter about it. Just like Eastport...that's supposed to be managed. Now everybody goes right down there full bore and just pounds the living p\*&!!- right out of it so they can't even get another scallop. That's what management is right there. Thank you.

### **Brian Gordius cont**

With all the permits were being taken away from you and eliminated, put all them permitted boats and you let them fish up inside...took the days away from them so they didn't have to use the days and they just pulverized this place. They just destroyed it. [LC: You talking about groundfish?]

Everyone...the shrimpers in Port Clyde, the fish draggers, the scallopers, the offshore boats, the quahoggers...they all was here and they went up and down the coast and they wiped it right out. You got to eliminate...it can't happen again. If it ever does comes back, can't let that happen again.

### **Wyatt Beal, Frenchboro**

I'm opposed to all this setting this stuff up like that because days and stuff is dangerous and all that. We had a zone that was a conservation zone that was between Frenchboro and Stonington...I mean Swans Island. Everybody in the room knows that. It got dragged...a lot of nights we lost power a lot of nights. The Marine Patrols couldn't supposedly they said, well we can't police it so you opened it up to the divers. That used to seed most of the area from Duck Island over to Toothacker, over in that area. A lot of spat come out of there. You guys decided, well we don't want to police it anymore...you know we want to save money for the State so we'll just open it up...get it cleaned out. So you cleaned it out...scallops disappeared. It was within two years after they started diving in there, it was all over...in our area. There was always scallops there but they're gone. So how do you expect these guys to police this...mess you got up on board...if they couldn't police this little teeny area between two Islands that's only 3 miles wide? Thank you.

### **Sam Beal cont**

I've give Wyatt a big 10-4 on that one. We did see that. I don't have any argument against the scallop divers wanting to make a living. They do...I know that it does appear that they take all...they clean out the small beds of seed scallops because there are many places where draggers can't get with the divers because they've been urchining in and around the rocks. They've found the little beds and they get in and get them. But I would suggest the possibility that if they did find scallops in Federal waters where Maine boats won't logically go if they could identify a big bed of scallops outside Duck Island or between Duck and Mt. Desert rock they could designate that a spawning ground...a seed bed ground...and tell us to leave it alone. I'm sure the fishermen here would love to leave it alone because that would make a great place that is not accessible to the scallop divers and it would give scallops to come ashore. The other

thing I was thinking you said...Bruce was saying that there were a lot of ghost traps out there. Well, ghost traps make wonderful havens for spat scallops to land on. I've heard people putting out spat bags but lobster traps are wonderful spat trap. You get back an old trap now and then and there'd be tens of thousands of little scallops on them. So, maybe the ghost traps are good for something.

#### **Dana Black cont**

If you're going to take something away can you put it in writing you'll give it back to us? If you're going to knock us down to 52 days, if the scallops do come back can you give us something back and start lengthening it out instead of just regulating us out where we lose it all and never get anything back? Seems to me every time the government takes it back, we never get anything back, excepting with the ground fish and they're still taking them away and now all it boils down to is the ground fishermen are throwing over codfish dead because you guys won't give anything back to us.

#### **Sue Buxton**

I'd just like to question possibly instead of doing 52 days...you know Monday, Tuesday, whenever that is...these guys all doing log books, couldn't it go by a certain number of per season and you'd have those log books to go by, so they didn't have to go Monday, Tuesday, Wednesday. You know December 1<sup>st</sup> through whenever you're going to end this. They'd have 52 days throughout the season instead of set days...a total number of days. And also with the poundage, instead of 200 pounds per day, maybe a total poundage...a reasonable total of poundage throughout the season...if they get on to them one day they're able to finish that up and maybe that added up to the whole season. I'd like to hear something more about reseeding. I think some of this does need to get back around to some research into this whole thing. You always hear a lot about divers versus draggers. Has there been anything done? Has there been any coves maybe a couple of places thought about where it's only divers or only draggers? And I know that sounds a little drastic but I'd like to know. I think everybody's got a personal opinion, but I don't think there's really any research out there as to whether or not draggers are harder on things or divers are harder on things and I'd like to have an answer to that. And, the spat bags with reseeding. I look at you guys as a resource to help us keep this and to help it grow, not to just regulate it and keep us from making a living. It is a terrible, terrible time to be adding this on. This is the working class and I just want to say that again.

#### **Jason Gordius cont**

I'm opposed to the whole thing. I just...I don't understand why you guys would even consider having closed areas like that. I know some of the areas around Duck Island...they used to be real good fishing and there's little ones coming back. I mean 4-inch rings maybe you can do it with them...I don't but it's like you guys just coming up with stuff...I don't even know why...no research no nothing, no intelligence at all throughout the State and I'm just sick and tired of it...fed up. I don't know where you guys come up with it. I'd like to know. It's just like lobstering. You just keep coming up with laws and this year the fuel prices, the market. I don't know how much you guys think we can take. We're not that resilient. Eventually we're going to have die off. I mean at my age I'm lucky I have a license but my kid will never get a license. I mean, most of the kids my age aren't going to have one.

#### **Derek Jones**

I think the whole thing is a bunch of bullcrap. They just leave it the way it is and if you're going to say days...pick our days...if it's blowing 30 out have to go out. Well, if you fish Monday, Tuesday, Wednesday it's blowing you're going to go. You've got bills to pay. How many times you guys gone out on a boat it's below zero out and it's blowing 30? Is it fun? No, I didn't think so. I don't know who are the tree huggers that made all this but...I don't know. I'm opposed to the whole thing. I know where this should go.

#### **Tim Robinson cont**

I just want to second the thing that a couple people brought up about we're doing the log books so why don't we pick our days at sea and write them down and have our log books on the boat and we can pick...a couple people have already mentioned it...I just wanted to make sure that that got seconded. I guess that's it.

#### **Frank Jones, Stonington**

I'm opposed to all this and I'd like to see the scalloping kind of stay like a tradition. It used to be the first of November we could go. The season's been shortened up to first of December so people know that we can go the first of December until April 15<sup>th</sup>. Now my biggest, I think, there's a lot of people that would agree to what I've been saying...a lot of people won't...that you scientists have to have something black and white in front of you on the peaks and grafts and ups and downs. But if you look at the biggest peak that there was in there, was when there was a lot of boats going and the divers started. Now traditionally the way we used to go scalloping was when we went to a bed there's a certain places we could tow and after we got through towing it, what scallops we couldn't get got pounded out of the drags, they went into the rock piles, we could never get them, and we left behind as many if not more than what we ever caught. But when you take a boat load of divers they go behind us and they clean it, and then you saw your scallop landings dropping off, dropping off, dropping off and dropping off until it's what it is today. Now, you're trying to keep everybody happy, which is pretty much impossible. If they eliminated diving...diving for scallops...but the divers that have licenses could get a dragging license so they're not put out of the business, and scalloping could be kept the way it used to be, and the way it always should be, that way it was like farming our scallops. You know, just like a farmer does. We caught what came out in our tows and what we couldn't get stayed in the rocks and then after the season was over they worked back out again, the scallops bunched up, seeded. You look at the Coast of Maine...every Island, every ledge, every shoal that we pushed the scallops around we never could get at and stayed there...they seeded for us. But if you have somebody coming behind you cleaning the coast, cleaning the shoal water and here we are today, trying to cut off a nose to spite a face, and trying to find a solution to the problem. So, if we could keep our season for the first of December to the middle of April the way it is right now, we could go whatever days there are in the months in that season...if a person...if they could come up with a poundage compromise and do away with the diving then I think eventually our problem would be solved. It would take care of itself. But I'd like to say, here we are restricted down to a 4-inch ring, what's restricting the divers...nothing...right? Well? This is true. I agree with the man here...I agree with the man here...

Here you read the Fisherman's paper month after month the ground fishing and the days limited days at sea and the fishermen are telling them the problem why it's happening. Because the pair trawlers they're out there raping the ocean...killing everything in the ocean. But, the fishermen don't know anything. They're stupid...they're ignorant people. But in the last fisherman's paper come out this month...we'll, we're still not getting our resources built up. But the fishermen are telling them what the problem is. I don't know...some solution like that could be solved...keep everyone happy.

### **Terry Gray, Verona Island**

Scallop diver since age of 15 and I'm now 38...you can do the math. I have gone to school. I do have a 4-year degree if that means that you're going to listen. There's a lot of things that have changed in the industry. Divers is one of them, your boats is another, the power you're putting in the boats, the wheels you got, the torque you've got, the size drag you're using, GPS...you used to throw a buoy out, you used to tow that buoy and then you'd move, and then you'd tow another strip of buoy. I used to be able to go down on bottom. I don't care about the rocks. There isn't a lot of scallops in there. Occasionally you'll find where drags tipped and you'll do good. I'm not going to say you won't but I'm telling you right now with the equipment that's out there and the boats that are being used...the bottom there's places that, Lazy Gut, beautiful spot...dove there a lot. There was big rolling ledges and hard rocks and they never dragged it...never...didn't have the power, didn't have the boats. They had a 250 Chevrolet or a 350 in it with a 2 to 1 gear and they could barely turn the mustard out of their head and now they're going through and rocks aren't an issue. You see stuff the size of chairs and tables tipped over...okay, I understand that. We talk about devastation. We talk about the pair trawlers. We talk about it being everybody else's fault. It's our fault. We're the ones. It's up to us to stand on our own feet...regulate our own industry and move forward. I'm not going to blame the State. I totally feel that the scallop industry has gone down. I'm not going to point fingers at anybody and I understand they're all pointed at me. I've heard it ever since I started diving that I'm the problem and I don't believe it. I've seen it...you go down, you look at it...you look at it change over the last 20 years and you could feel for it. But, I don't want to have somebody tell me what days I can and I can't go. I believe that that is our choice as free normal white American citizens that we need to have the choice to be able to go to work on the days it is safe and comfortable. We all have bills...you have bills. You don't like it when there's a budget shortage and you guys can't go to work for 2 or 3 weeks. We're in the same situation. Closed areas...if you want to take a small area that's unknown seed area that's a known spot, shut it down permanent forever...you're done. Just like the gentleman said about Swan's Island...I totally agree. That seeded all of Blue Hill Bay, that's where I spent most of my time and after that it was gone...the scallops went with it. I've watched an area over the last 4 years start to slowly come back and I was thrilled and ecstatic this year when I went. I dove it...dove it for a week when I felt I had taken off the cream, I left. I was leaving scallops down there that were 4 ½, 5, 6 inches and all I took was the big stuff. Believe it or leave, I see what I take. If you want me to have a 4-inch ring or 6-inch ring or whatever on the mouth of my bags, that's all I'll get in there I'll take it. Whatever you guys think is legal or fair for a diver to have to do. If you want to limit me to 3 tanks a day I'm willing. It's an industry. It's something I want to see grow. It's something I want to see your kids...your grandkids...everybody...I want to see everybody have part of it. I don't want to see any...like the lobster industry. I'd love to go lobster fishing, but you know I just can't get a license. I can't go out and say, okay I need a license...get a license and start...can't do it. I have to be an apprentice and after I've finished my 200 days as an apprentice I have to wait until 5 people to die before I can get it. That's fairly long list. So, I spoke my mind, have a nice night.

### **David Leach cont**

This is a thought for the whole State. The salmon have not been back for a long time. The clams ain't been back. First it started the clams, then the salmon, now the scallops...I'm a firm believer in this and I know a lot of guys probably know what I'm going to say. There's a lot breast cancer down home, there's a lot of cancer down home. I believe a lot of it is the Valpar they sprayed on these blueberry barrens is gone into these rivers and polluted it. As far as the diving, I'm 100 percent firm believer that has killed on it too. They're 100 percent, my drag don't have eyeballs. If I'm towing along and I hit ledge, right, them scallops blow out I ain't going to get them again. God Bless Avery Kelly, I bet a lot of you guys know him he said his nephew when they first started years ago his nephew went into a hole he said there was nothing but big gigantic scallops...right big old seeders. He said he went in there so no one would see him...and I know a lot of guys would vouch for it...he put a buoy there so he knew where the hole was so when low water was there he could see the buoy, but high water no one could see it. He went in there and he cleaned it and he got probably 2000 pounds out of there...Avery Kelly said. I'm 100 percent positive that the...back when...what was it 9 pounds a day one gallon...it didn't seem to affect. But when they put open forum it seemed like...just like Frenchboro...I ain't a dummy. That place was one of the big seeding spot over there on the cable because no one was allowed in there. You could go over Duck Island every year and do pretty decent for the first 10 days. It would dwindle down after awhile. When they opened that up to diving, everybody got a dive tank and went over there and dove on it and then after that Duck Island was no more...Big Duck and Little Duck. And that is the God's honest truth...that's facts. There you have it.

### **Gary Hatch cont**

Again, we've all seen the whole industry, not only scalloping, lobstering, ground fishing, the mess it's in and the mid-water trawling the mess it's creating and we've all seen like the diver said, we used to fish with...well a keg and tow to it and there'd be 4 or 5 of us in the ground fish towing tow towards the keg and we'd know where we was and that's how we fished. We didn't have loran I remember the old days the few that had them...at least had a pinpoint to start from. We've got to put all of this aside. Because the diver, whether we like it or not, he's here, and he did affect us because it comes down to effort. And the effort is that we were taking product and he's taking product. Maybe the product he's taking is the big ones which really rejuvenate our whole fishery, but we've got to think past that. How do we accommodate everybody and how much can everybody have if we want to rebuild our fishery? And it's reality...we all see it. I think we all understand it and if you want my take on it...there's 50 slips out there at least you burn them...get some heat out of it and have a good evening. I think we've all said no enough. I hope you can take it.

### **Sam Beal cont**

It's more along the lines of a question proposed by one of my scallop fishermen...one of the guys that sells scallops to me. Well, if they close zones around Mount Desert Island and I don't choose to sail to an open area, can I get a license another year or am I just throwing away to the wind?

[LC: If I'm in a closed area can I still get a license if I can't fish...is that sort of?]

Sam Beal: No, you can get a license if you can't fish but if I don't choose to fish this year or until the area opens up again and I don't choose why do I have to spend money just to maintain my right to have a license? And, the other thought was, along the lines of if there would be any possibility that the feds would offer us protected scallops say like between the 3-mile line and the 5-mile line it would be a great place to have a seed bed.

#### **David Heanssler, Deer Isle cont**

The last three years I've been going down to Mississippi to do recovery work from Katrina. Mississippi Department of Marine Resources there has got fishermen together and loaded barges...paid them to load a barge...and take that down [to] Pass Christian to reseed the oyster beds there. These boys here are all lobster fishermen and scallop fishermen give millions of dollars a year in taxes and yet the Marine Resources never has anything to help us...any funds come back to give us a hand even do scientific studies. You know it's really frustrating when you go down south and the Marine Resources of the State will really support the resources financially and we have absolutely none here in the State.

#### **Andy Mays, Southwest Harbor**

I'm on the SAC along with a few of the guys here. I'll let Togue answer your questions but I got on the SAC about a year ago and I'm really...I'm not into the restrictions because as a couple people said there's been restrictions on drag restrictions, season restrictions. There's been all kinds of restrictions. And the scallops fishing has been in the sh\*&!! for a decade now without really much effort. A lot of us feel that way on the council. Somebody eluded to what the council should be doing. The council was commissioned by the legislature to be advisors. We tried to step up our importance a little bit and we were reminded that our role was as an advisory role. We don't make policy...we advise policy...for better or worse, that's the council's role. Again with restrictions...I want to make a plug here for enhancement. That's why I got on the council because I know you guys and a lot of guys in Stonington did some work with spat collection and speaking for the council, and myself on the council, is that we looked at the fact that there's really very little scallops left that we thought that the lack of large spawning beds of scallops...scallops are open spawners, they release their sperm and their eggs...they have to mix. If you've got scallops that are 100 yards apart, they don't do it very well. They've got to be in close proximity and so that is pretty much the feeling of the council. I think DMR might feel that way too. The Commissioner...you can say the State...although I haven't spoken with the Commissioner personally, the Commissioner's task is trying to manage an industry, which isn't even a shadow of a fraction of what it was 10 years ago, and so he's making those decisions for better or for worse. A lot of us didn't go along with all this but we tried to hammer this out and just keep some type of input in it as fishermen. I want to say that because of the increase in licenses from latent licenses that happened in the spring when the limited entry came up because there's a lot, not a lot like millions, but there's quite a bit of money for research. And one of the ways we're looking at spending that is investigating moving large scallops from certain places that are open whether they be in Federal waters and moving them into closed areas. And that's what...I mean this is frustrating for all of us but I don't see any upside coming to more regulations or that venting or frustration because I don't know that after 10 years really not that much has happened if anything else will happen in 10 years. I look forward to having this fishery back. And so I would suggest...I would ask you guys to petition your representatives and the DMR to do something rather than just restrictions but to work towards enhancement so we can have some type of goals...some type of positive thing rather than just more bad news everyday about this industry as well as so many others. I'll speak with anybody afterwards or if they want to call me at home as Togue will as any of the guys on the council will but we're just a little bit of you at the council trying to work and steer something that's really beyond our steerage, which is trying to put some input in it. There's a lot of frustration in guys on the council that say, nobody's listening to me, I'm out of here. But then you drive away and say, if I leave will anything get done or will it be totally bad. Gary Hatch had a lot of interesting stuff to say. He does at the meetings too. I would ask you...encourage you whether it's spat collection, that we need a full court press to try and enhance what we had and get back to something, rather than not having anything to do except suffer restrictions...endless restrictions that don't seem to be having any...the days at sea most of us on the council were against any days as we were against any shortening of the season at all. But the Commissioner basically imposed or imposed or well suggestions that we make it so we went with 80. We tried to go with 80 and that didn't satisfy the Commissioner and scientists. Again, I'm not bashing him. He's trying to make something out of something that's nothing right now and that's what his scientists and his advisors think that they can make some headway with. But I don't think that's going to happen because for the same reasons that it hasn't happen in really 10 years with the amount of latent effort and people aren't fishing 52 days except for Brennan that I know. I just think we've just got to work towards doing something... enhancing and trying to change it that way rather than just letting it go because the 52-day thing in that...if you've got 180 days you're a lot more lax about going. You go when you can go...you go when you got to market something like that. If you've got 52 days the State looks at it as 52 days and saying we want to keep 52 days. Whereas when we look at it saying if we had 100 days we might go 52. If you have 52, you grind all 52 if you can. So I disagree with that part of it. And I also...Dana, did you say the part about, making it end...not just saying 52 and calling it a day. I suggested along with a couple of the members on the SAC if that goes into effect it's for this year only and it gets revisited every year. It can't just be put perpetuity, meaning we've got a 52-day season and that's it.

[LC: Give it a sunset at one year...is that what you're saying?]

Andy Mays: Yup...sunset at one year. We sunsetted several things. We sunsetted...this was going to open-ended and the Commissioner wants big closures, he said big closures. When he said big closures and I went to the meeting with big closures, I was going to close Swan's Island cable area again. That's what I thought we could do because I saw the amount of scallops that were in there and I thought about that as a spawning resource when I first went in...when it was opened up. When I first hit the bottom and saw all the scallops I said, we're screwing ourselves. Everybody knew that at the time. And I think that those areas are depleted along the coast, and I think we need to build some areas like that back in order to gain any headway rather than just a complete closure. I would argue for all you guys to petition our representatives and the DMR for that because that's not necessarily a done deal, that's a precaution. There's some reason for precaution there because I think offshore there's that invasive sponge which is going everywhere. So we've got to act a little bit with caution in that you don't want to bring that in here and all of a sudden have our whole bottom covered with an invasive sponge or invasive species. I think along...the effort has been so minimal but yet Dana here has a lot to do with spat collection and yet if you go out you retrieve a pair of traps or something that's been out over the winter, you can get all kinds of spat off the ropes and everything. So I think the spat are there. A lot of us think that there's other reasons than fishing effort. Although if you take a scallop, that's one less than you're going to have. I think everybody can agree with that. But I think that we need to work on enhancement and overcome the reproduction burden for scallops which is so hard now because such...everybody can think of a

fantastic area that you can go back year after year after year when the life span of a scallop to be a 4, 5 or 6 inch scallop if 4 or 5 years and you fish that area hard for 10 years then the fishing pressure isn't necessarily the whole part of the story, there's other things involved in it. I can't speak for the Commissioner but he's trying to make something into what it once was. I'm not saying he's got everybody's best interest in mind but that's what he's tasked to do...same with our representatives, the same with everybody's that work involved with it. But I think that we can all agree that we need to something other than just restrictions because it's been self-restricted for a decade without any major improvement.

**Brennan Spoffard cont**

We adopted this 4"ring rule right...did we take the twine with that...twine size increase?

[TB: No.]

**Robbie Gray, Deer Isle**

I've got a question I guess for the SAC. You say the Commissioner's not listening to you guys either. You go 80 days down to 52 days...who do we talk to? You can hear the voices of the fishermen. He's not listening to you...who do we go to? ...That's the question, he will not be persuaded because he's got his mind set and I'll tell you why...the closed areas. I asked him two years ago at a meeting my brother does the scallop survey for the State of Maine. He knows where there's little scallops. He finds them. He has 2-inch rings...inch and a half rings. He finds them. Why can you not close these areas, let them grow? This was just a conservation question to bring this resource back. He said we can't enforce it, that's what he told me. And he wants to do with this...it's just a brainstorm he's got. He's not listening to nobody. He's got an idea and he's taking it. We're frustrated.

**Dana Black cont**

I'd like to comment on Robbie's thing about his brother doing the scallop survey. What's to say you guys pay him \$2500 a day to go out and find these scallops and the following week he's not doing the surveys so he can back and fish on them? I think that sole survey should be done away with, and if you do the survey they shouldn't be able to go scalloping for that year...take it away from them so they can't land anything that year after doing the survey. He's making about \$30,000 doing the survey...

**Scarborough, October 8, 2008**

**David Johnson, Long Island, Casco Bay**

We agree the scallop resource needs some attention. I've been scalloping on the stern of my father's boat in the 60's on holidays and that time of the year, but from the early 70's in my own boat. We originally started with the rock drags, went up to 10 ½ feet on that, switched to chain sweeps, became more and efficient all the time with more horse power, heavier drags and so we could increase our capacity to go over more bottom and cover more areas. And that's one of our problems. On the scallop landings...in the late 70's there was a massive set of scallops in the Gulf of Maine. Most of them were in 75 to 100 fathoms, so these record landings...from the majority of these scallops came from not State waters, they were Federal waters. My brother was scalloping at the time with nets switched over to catch scallops and had as high as 60 bushel for 20 minute tow in 80 fathom of water. These scallops were landed in summertime, spring and fall as well as other scallops being landed in State waters. So the landings look high but they were not from State waters. They're from Federal waters and from 12 months out of the year.

As for what I think should be done to the Casco Bay, I don't think they should be closed because it will...once it opens up it will create a bonanza where everybody's going to go and pound it right down to another month to what it is right now. So what I think should be done is create inefficiencies with a smaller drag, smaller ring [bag] length so you can't tow that drag as long...as far. Being primarily a lobsterman, I think the summer should be closed, just for lobsters. In Casco Bay which is the only place I've ever fished for scallops and lobsters, the number of lobsters around December has increased dramatically over the years. And there are a lot of lobsters around in December, and in March they start showing back up, and we were catching them in our scallop drags and it wasn't pretty what came out of the scallop drags. My proposal would be just to have January and February open with a smaller inefficient drag and that way you'll keep the local boats being able to fish, because the small local boats can't go to these other areas. They're the losers in this. And when it opens back up and everybody pounds it all again, the local small boats are the losers again. Also on the quality of scallops, the last few years I haven't been scalloping but in my opinion if you have a scallop that's older than 2 days old, it's not worth freezing and it's not worth eating. It's usually best to eat the first day and frozen the first day, the second day almost better but not as good as the first day. So the quality of scallops to these local areas would be less in my opinion. And also on these landings, the boats that are left going are selling all their scallops to local markets. They're not going through dealers because they're getting \$3 to \$4 a pound more for their scallops that they would be through a dealer and they're selling all they can catch. I think this fishery is ripe for a log book to see what's going on. There's very few limited amount of licenses and to find out what's going on you need a log book to see who is fishing and who isn't fishing. In the past people fished for a while when the scallop resource got down, we got out of it for a while, and then it would pick back up and we'd get back into it, and that's what's happening now. People are not fishing as much. There was only one boat from our Island last year and at times there can be 7 or 8 boats. People let alone for a while and then go back to it. But I think we need to reduce our efficiencies.

[Laurice Churchill (LC): I want to clarify something...smaller drag and I think you said ring length...bag length? David Johnson: Don't have the bags super long...reduce the length of the bag so you'd have to make shorter tows.]

**Paul Fischer, Cape Elizabeth**

I'd like to comment on the closures first, having gone through those in the urchin fishery. I don't believe they work and therefore against them. The days are one thing, but predetermined days aren't a great idea. Being a diver, they tend to encumber me and [not] being able to detox. I'd just like to see the fishery remain open as a viable winter fishery. I agree with David, closures in an area are going to lead to problems in another area when you open it up. It's going to lead to a concentration of effort in the open areas and vice versa when you open up the closed areas. Just like to say that I think by predetermined days you're taking seamanship out of this and forcing people to fish in weather that they might not be fishing in.

### **Steve Train, Long Island**

I fish off of Long Island. I lobster, I've scalloped, ground fished, I've shrimped. On the Island and around the Island where I live, which will be totally closed according to this plan, scalloping has been primarily a small boat seasonal fishery to fill in on a bad year and lobster fishery. There aren't many people that have rigged up every single year and targeted scallops. Like David said earlier, some years there are 7 guys, some years there's 1. Closing all of Casco Bay and making 34 and 35-foot boats steam out around Cape Elizabeth and out around Small Point if they need to make money in the winter, is a nightmare. We don't get unemployment if you don't let us work. We don't want unemployment. We want to work. We'd rather send you the money because you get the tax revenue. So shutting all of Casco Bay I think is a mistake. There could be other things to do, smaller portions you couldn't touch. We already can't tow a cable area. Maybe you could make that a no fish zone period. Then that cable area will spawn out into the other areas. I think increasing the ring size is a good idea. We get paid a premium for the larger scallops and when you figure out what you get paid for a 10 versus a 30 count or 22 count and you figure out what that would weigh...it's 3 times as much money. The only reason we catch them when they're smaller is because we can, and if we don't the guy towing beside us will. So the larger ring size will result in larger scallop...that makes sense. I agree with David Johnson that maybe a shorter season will work, take it off the ring end when there are still soft lobsters around, less gear conflict, less destruction of another fishery. Drag size...a smaller drag affects everybody equally. If we want to go with a 5 ½ foot cap or a 5 foot cap or 4 foot cap...I don't care, pick it, but make it less efficient and let us go. We just want to be able to fish. Thank you.

### **Rick Callow, Peaks Island**

I've got the 50-foot boat, E' COSI' II, the old Terry and Ruth. You might be able to something with that boat with a 4-foot drag...I doubt it, not this day and age. I use an 8-foot drag. It's still under a 10'6". Leaving something for a little bit bigger boat is one thing...cutting it all the way down to 4, I don't think it's any good. It wouldn't make the fuel price anyway. The ring size, great, 4-inch rings...go bigger if you want. That makes a lot of sense in letting the seed escape. The closed areas I've seen it up and down the coast they work great...not all at once...not a whole third of the coast. The places that you've closed off are the only places that are left to catch a scallop. You've got to leave something open...something for the southern part...something for the eastern part. To cut all of Casco Bay, I don't think that's the way to go either as well as any of the other closed areas...should be more defined instead of those big long vast areas. You're going to kill people. It's going to kill people in the soup kitchens. It's going to kill people battling the weather. There's got to be a happy medium somewhere and enacting it as an emergency measure isn't bright either. Start the scallop season January 1<sup>st</sup>...let the lobstermen fish through December...that makes sense. The heck with the Christmas holiday in getting scallops just because it's a Christmas holiday. All the days of the week that the scallop season is open, they should all run together...the total 52 days. That way you can get fishing when the weather clears. I think that's basically it.

### **Willis Spear**

I've been fishing almost as long as Dave Johnson. I started lobstering in 1966. I scalloped '79 with a dredge and '80 offshore Jeffrey's & Cashes, New Ledge, Fippenies. We did real well then and then something happened. There was a phenomenon there in the early 80's, 80/81. Those scallops seemed to show up in the deeper water. David was saying how many his brother caught. Well, it was true. It was phenomenal. We had as many as 27 trays of scallops in 80 fathoms of water for 20 minutes. The landings that David showed you during that period of time, they came from offshore. There were boats here from Virginia...shellstocking. I remember I was on the DMR council and [Commissioner] Spencer Apollonio shut those guys down because they were loading them into dump trucks to be shucked inland, which was illegal. So, some of the data is getting is kind of skewed because it was a whole different time period. Also while I was on the council I had a chance to see what closed areas did with the scallop. I remember there was closed areas around Mt. Desert...they'd open a line outside so the lobstermen could lobster in closer to shore then when the lobsters moved out they closed that. It turned into a disaster because the scalloping was a very mobile industry and there were boats [from] all over the coast would show up. Guys like Bruce Damon from Mt. Desert and the Smith boys from Swan's Island said that the scallops would [be] decimated. They were ruined. As far as conservation equivalency goes, you're talking about limiting just closing. Of course that's not going to work. And dredge size...David mentioned dredges...well a smaller dredge would be a lot better. They call it in the bigger circles on the regional council, they call it conservation equivalency. That's a word that shouldn't be word. A smaller dredge is conservation equivalent as to closing an area. And it would have something to do with what they call community base management, which means that the State is looking at these coastal communities and trying to keep them alive. But by closing these areas, you're putting these communities out of business. And it's more like the regional council level and the federal level, than what State should be doing is addressing these small coastal communities. I guess that's about it. I guess I've covered what I've seen with these closures. I was a ground fisherman that helped initiate these rolling closures because when they had the northeast peak closed on Georges we saw all these big boats show up so we thought rolling closures would help us as the fish spawned up and down the coast. But it put us out of business because we [had] no other place to fish anymore. So again, closures put community based people out of business, so the State has got to address community first before following this federal plan. So I guess that's it. Thank you very much.

### **Richard Holt, South Portland**

I'm going to talk about some things David alluded to. I'm basically what you call the...I use the smaller drag, 4-foot rock drag, and it's towed on a little winch or I tow it off my davit. With the rope I can go either way. I did that for a number of reasons. First of all the boat I've got doesn't have the power to pull a big drag, so I had to do things the way that I guess you would say historically they were done from some of the people that I've talked with as far back as the 40's and 50's where they treated the scalloping in Casco Bay as a cottage industry. That's how they worded it. As everybody's been alluding to when they were there people would lobster and then they would go out scalloping the next day. The gear changeover was nothing. They did what they did. They cleaned up their traps and hauled them and they're all set. They'd go scalloping for a day. They'd drop the drag and then go back. I do that now at least in the month of December. I go lobstering in the morning and if I want to come back in the afternoon I'd just...I've got the booms on the boat all the time...it flips up...hitch up the wire and pick up the little drag and go. The difference being with the smaller drag, even if you have a little more finesse when you are towing, you can't tow like the big guy...just drop it and go, you find your edges, you work close to those edges and that's maybe a 10 minute or 15 minute tow. I've got 5 rings deep on mine. If I tow it any longer than that, it's full of rocks. So I have to haul it back, clean it out and set it again. So that's why I go out on little tiny areas. The other point I'd like to make out is everybody was saying close it. We used to go from November to April 15<sup>th</sup> and they closed it for the lobsters in November. I'd

just like to go on record I have actually been asked by some of the guys in the harbor that have lost gear and they've tried to drag up their lost traps...they couldn't find them. So a few years back I said let me go out and tow my drag and I'll see if I can find your lost gear and at the same time I was scalloping. In 15 to 18 years I only dragged through somebody's gear probably 5/6 times. Anything I've found has been lost gear. There was one...and at the same I never really heard anything...I'd buoy it off, I took extra line, I'd be doing my scalloping and I found lost traps. They'd come in and pick them up and they'd get them. I did that and I think Peter Kelly there I think I found 50/60 of his traps that way...he was some happy. I was scalloping at the same time. So I'm probably the only one in the room that believes you [can work] with the smaller drag that you can tow around. I know where the traps are. I can go lobstering in the morning and come back and tow in the same area. You've got to be careful. You can't be reckless and all that. I just like that point to be made out. The other thing, in Portland harbor, I only went for the month of December and a few days in January and then it wasn't worth it. I was very disappointed in the harbor. And if you've got comments and such why Portland harbor kind of shut down is kind of remember Portland harbor was just dredged. I went to that meeting. We were really fighting against it because the little edges that I told you about that I would set and try to tow around. There was one called Mayo's Rock...lot of scallops that I just literally towed around it. It's not there anymore. They dredged it. They took it out. There was a pile of rocks off the fairway buoy. That's not there anymore. That's a little bit off it but everybody told us they were going to restore the harbor [after being dredged] to the way it was. Well, that's probably going to take years for Portland harbor to come back. I just firmly believe that. You've got these other factors. Another thing I'd like to point out off the Eastern Prom is that there's a promontory rock I used to tow right in around that at low water. The cable area goes there, in fact, Joe Fessenden used to come up to me and say, I'm going to nail you...you're going to go in the cable area. Like I said with a little drag I'd come up...I'd see the buoy and go right around it and there was some nice big scallops there. Over the years that's disappeared. It just happens that the City of Portland's outfall for their Sewage Treatment Plant is right there and I know they're doing the best they can but I personally think that in some of these areas where there were scallops and there aren't now you could go and point the finger right at some of the outfalls from the cities. So there are some environmental concerns here too. And I don't know if it's all over fishing...I don't believe that. I agree with the rest of them...closing it is going to force us to go further. I don't...I've got an old boat, 45 years old. I've gone down Saco Bay once or twice in those years and I don't care to do it anymore. I want to stay right in Casco Bay. I go on the good days. That's basically what I've got to say.

### **Josh Watkis**

I live in Alna but I fish out of Harpswell. I dove for a number of years pretty much all over the coast from like Blue Hill all the way down to Harpswell. I worked on draggers in Casco Bay. I've scalloped out of New Bedford for the last year. ...from what I've seen fishing out of New Bedford...closed areas...closing the bay it would definitely bring the stocks back up. But if there's a big free for all when all the boats come back in, it's going to devastate it. Bag limits...possibly. The other thing I was thinking is like if you did it like lobsters where each boat had a zone that he fished instead of traveling all up and down the coast, then maybe that would keep it from getting devastated so bad. Also, from the diving perspective, like the certain tows where people tow and tow and tow and then there's just nothing left...maybe even closed down certain areas in each bay where they breed, that might work as opposed to closing everything.

LC: Like protecting the nursery? Josh Watkis: Right.

LC: When you were referring to lobster, tell me that again.

Josh Watkis: I mean if you did like zones for scalloping per se like the Casco Bay boats stay in Casco Bay and vice versa as opposed to closing whole areas off, and also, maybe nurseries or spat collection works. I guess that would be about it.

### **George Freeman, Scarborough**

I'm the SAC member for the western part of the State. I've several concerns with this and I haven't heard any of them addressed yet. I'd like to know what the scientific basis is for reducing the season from 145 to 52 days. It says in this sheet here that you've considered the landing data and port samplings. I've never seen a port sampling taken in my life and I've been doing this for over 30 years in this area...not once have I ever seen anybody in Casco Bay. As far as landings data, we don't have any landings data. All's we have is what's reported to dealers. Probably half of the catch in the State of Maine is probably sold to restaurants or to other family members. So we don't have any landings data. What actually is the reason we're being reduced by a third? On the SAC level, we have proposed 100-day season and were told by DMR that that was not acceptable. Between all the divers and the draggers, we agreed that we would reduce that to 79 days and that's what we put forward to the Department of Marine Resources. DMR came back two days later and said that's not acceptable...it's going to be 52 days and that's going to be written in stone. They don't have any scientific basis for doing this. All the fishermen are being blamed for taking all these scallops. That's not what the problem is with scalloping. There is no spat reproduction in the State. Excuse me, not spat...there's no spat survival ability. There are all sorts of spat out there in the eastern coastal current. We're just not seeing that translate into reproduction on the bottom. I challenge DMR to show me anything scientific that can tell me otherwise. They're telling me they don't know exactly what it is. Well, if you don't know what it is, why are we experimenting saying, well let's just blame it on the fishermen and we'll cut your season down to two thirds and see if that works. Well, that's not the way to go about something. Second of all, I've been talking to all the members on the SAC. In fact this 52-day season does go into affect we'd like to see a one-year sunset on this. We do not want this to be something...we want this revisited every year on this season. We don't want to hear next year at this point if in fact this does go through that, well last years 52 days seem to work it will be 52 days this year. We want a one-year sunset on this. The problem with setting this up fishing Monday, Tuesday, Wednesdays and Saturdays it severely impacts one particular group as opposed to another and that would be the divers. The reason this was set up is Monday, Tuesday, Wednesday and then Saturdays...Saturday was thrown in as an alternative bone just for the divers because I bit\$#! long and hard at the meeting about it. The reason this is Monday, Tuesday and Wednesday is Downeast the urchin divers can go Monday, Tuesday and Wednesday urchining. A few of them will stick around Friday and Saturday and go scallop diving. This effectively gets them right out of the scallop fishing and leaves it for all the draggers up there. Most people who dive for scallops are usually going just on the weekends...especially the noncommercial...8-pound license holders, which is now 4 pounds. That cuts their season in half by taking Sunday out. I think it's pretty discriminatory in that way. But by also going Monday, Tuesday, Wednesdays and Saturdays, you get some marginal days on Saturdays and we'll end up killing somebody here who had to go out on a Saturday; the same way with the urchining. This is just going to force people into making bad decisions in bad weather because they need to go out to make a days pay on that one particular day that it's open. It's never been a good idea to do that.

As far as the closures...DMR came up with a proposal to, and the SAC agreed with, that we would use the urchin assessment zones for the State of Maine and marry those to the scallop assessment zones. They wanted us to close 4 out of those 9 zones and then they decided Cobscook Bay was off the table. So in effect, they would have closed half the State. They wanted us to close half the State. I came up with an alternative proposal, which is what you see here, just have one closed area and then two bays adjacent to that open...one closed to two open to make it fair for everybody. As it worked out, those of us in western Maine are going to end up with the short end of the stick, because the starter from Downeast from International Bridge in Campobello down, so effectively we get the short end of the stick down here. Do I think that it's necessary for Casco Bay...yes. There's no doubt that Casco Bay is severely overfished. The scallops have not come back in any reasonable matter within the last 10 years. I would attribute it basically to the Department of Marine Resources giving out 3,000 urchin licenses in 1996 and 1997. A lot of these urchin divers dropped down a little bit out of that shallow water and found some of these 30', 40', 50' foot [deep] scallops and completely wiped them out. There's no doubt. I'm a diver. I've dragged for scallops. I've dove for 30 years. I've dove here. I dove in Canada. I dove in Massachusetts commercially for 17 years for scallops so I know what I'm taking about. In the old days where I'd go out with Ricky Carlow and what would take us an entire season to fish out I bet I could dive out in 5 days right now...5 days...20 tanks...what used to take us 90 days in an entire year off of Green Island. We'd go from one end to the other and it would take us the whole season, and then places we didn't go one year, we'd go back the next. So there's no doubt that that's entirely overfished. It's going to impact people around here pretty hard. My only response to that is if you get to the other side of Small Point, you can fish Small Point all the way to Port Clyde. You don't have to steam your boat around the corner. There are places you can keep your boat up in Boothbay and fish out of there. You can put it up in Port Clyde and travel back and forth. I've always done that anyways. I don't think it's a good idea to have 52 days. There's too much with dramatic reduction. In the last year we've come up with limited entry. The Department of Marine Resources, when we went to hearings at the State House, they broadly worded the bill for amending Maine Scallop Laws, which in effect left anything open on the table at the Marine Resource Committee meeting. So they came up with another plan which Togue outlined on the bottom of the first page saying that what they would like to see done. The problems with that was a control date on the limited entry and the Marine Resource Committee postdated that by almost a year. It was from April to May, wasn't it...almost a year? So in effect we went from 600 licenses to 1200 now is it?

Togue Brawn (TB): Just over 1,000 are eligible.

George Freeman: Okay, so we've almost doubled the effort. So now we're being told by DMR that there are too many people doing that and we have to cut back the effort on that. Why would they take all this money for the licenses if they were in effect just going to cut us back on the days? I don't see the reasoning behind that whatsoever. I believe it's DMR's fault that there's limited entry proposed that got delayed and they doubled the amount of licenses in one year. That wasn't the effect of the bill but that's exactly what happened and I remember testifying at the time that's what was going to happen...low and behold a few months later here we are. So now, the fishermen are the culprits. It has nothing to do with scientific stuff, okay. We know that the spat are not surviving. We also know there's plenty of spat offshore in the eastern coastal current. Right off Pine Point here, they were getting 3000 spat in a bag...guy was just experiment with doing it. So, they do have that potential. But, I don't believe in 52 days whatsoever. I haven't seen anybody else address that...whether it's complacency or whatever. I know that these meetings are usually just held as a formal process and DMR has already made up their mind on that. But, everybody seemed to be more concerned with the closure in the area. The other thing I would like to see...I've talked about...I don't know if Ernie's proposed this to you or not...Ernie Burgess...but they'd like to see the first three weeks in December open. I would like to see it open back up December 15<sup>th</sup> to April 15<sup>th</sup>.

The first three weeks in December open then closed through February 15<sup>th</sup> and then February 15<sup>th</sup> to April 15<sup>th</sup>. That effectively takes January and half of February, our worst winter weather primarily...you get a lot of wind in March, but you'd be able to take advantage of the Christmas season as far as selling. I don't think that's important. I don't have any problem getting rid of my scallops and I don't believe anybody here...else does. The most important thing out of this I'd like to see...I'd like to see more days than what we have here, and I'd like to see, if in fact it does come down to 52 days, I'd like to see a 1-year sunset on this particular bill. As far as the 200-pound limit, I think that's actually a little bit high. There's probably not too many people in this room in Casco Bay especially that's getting 200 pounds a day, but the Downeast guys are doing it. In Cobscook Bay there's 120-pound a day limit and they've got plenty of scallops but that's another place that's overfished too. If the folks are up there they've got lots of scallop, but they're all fished out in 10 fishing days up there. The landings go right down for the first day right through the second or third week of the season. That's about all I've got.

LC: I want to ask you one quick question. When you talk about doing the sunset...I think you've mentioned it each time when you're only referring to the days or season alone...

George Freeman: I want to see season sunset.

LC: There is a sunset on the closures proposed... But I think I've also maybe misunderstood you and I want to make sure I understand. Do you want a 1-year sunset on all the items listed or just the days?

George Freeman: No, I want a 1-year sunset law on just the days, if in fact it does get shoved down our throats, I don't want them to say that next year, well get we had 52 last lets just do that again and do that again. I want to see that revisited every year. The other thing is I don't know if I mentioned it, but there is a 3-year sunset law on the closures. And originally it was proposed it say Casco Bay was closed for this first year 3-year period, then Casco Bay would be open after 3 years, Saco Bay would be closed and then Small Point to Port Clyde would be closed also. Rockland area is a western part of Penobscot Bay would be open again and vice versa. In effect what we'll be doing here is we're trying something experimentally. Within these areas that are closed and even in some of the open areas, we're going to be taking scallops from offshore if we can get the permits and putting them into small areas...areas that are easily enforceable for DMR wardens. They have to be able to monitor them. It doesn't do us any good to put them into a spot where people go in and poach them. If any of you have any ideas on places in Casco Bay area that we could set aside...small areas, they don't have to be huge, just places where we could put...we have a small nursery in effect what it will be. It'll probably need to be closed off permanently or at least five or seven years before they could reproduce a couple of times. If that does in fact work we'll probably go towards more widespread closed small areas like that. This is definitely an experiment that DMR is proposing. I do support it. I know we're getting the short end of the stick down this way the way it works out, but in the end I think it will work out for us. I want to point out that scalloping is a supplemental fishery for everybody in this room. There's nobody here who is just a scalloper. Most everybody in here is a lobsterman on the side and makes their full-time living from lobstering. The money from the scalloping is supplemental. It's something else to do in the wintertime, but nobody is going to be eating potato soup in the wintertime because you couldn't go scallop around here. There are other options of moving your boat to open areas.

### **John Higgins, Pemaquid**

I attended the Ellsworth meeting and I already put my comments in writing. Can I add to those at some point? I'm speaking a little bit to the crowd but I also want to testify again. I didn't support this for the reasons that most of the people had said here. When you open up an area it's going to get pounded. I scalloped from '74 to '98...a few years in there I was doing other stuff...mostly Stonington and then down off the Cape some and the lines that we had in Hancock County, like this man said, is an example to go back in history and see what happened when we had lines and people running into areas that were open and we just devastated things. I do support that 4-inch ring. I think this is the first time we're going to be protecting some of the juveniles with that 4-inch ring. I have been working through the Stonington Fisheries Alliance through some of the guys on the council to develop a scalloping working group because I do believe this is an example of what you try to do. I don't question the DMR's intent here they have good intentions but this is what you do when you're broke. You try to stop the bleeding. They don't have the money to do what they probably would like to do and I think that if the communities...the fishermen...do not get together and participate and take part ownership of this problem and the solutions, it's never going to get done because if we don't do it ourselves it's never going to get done. So with our participation comes authority. I agree much more with what Cobscook Bay is doing, which is really what these guys were talking about...drag limits, ring size, landing controls...that type of stuff. I believe that will get a lot further along. I had a question...am I allowed to get a copy of the attendance to all these meetings? Because all the men and women who come to these hearings really do have more than passing to be involved. Some people I'm sure couldn't make it but I might be able to have a collection of people who as we move along...and I don't see this as a fight with DMR. I want DMR to be able to support us as a working group and harness what we're going to try to do and allow some of that private industry to flourish and learn from that and go from there. Thank you very much. And I do want to thank George in public for everything he has done because he has really devoted a lot of time to this and not paid for it.

### **Scott Doherty, Scarborough**

The main thing is the closures. See if I understand it right. The pink areas and the green areas you're going to have...it's going to be closed in the pink area for so many years...3 years is it and then it will be opened up?

TB: It's a sunset clause as it is right now, if it passes as its written, unless we do something else, then the pink will be opened up in 3 years. We have to work on what's going to happen in 3 years.

Scott Doherty: So the green ones will not be closed at all?

LC: Not automatically. We'd have to come back to rulemaking the way it's proposed right now.

Scott Doherty: I'm just afraid that if you do that the green area is going to take apart...what happened in Saco Bay draggers from Portland came in there probably early 80's and there was 4 or 5 boats out of Scarborough that went every winter and scalloped, and when those big boats came in that was gone...nobody even...only 1 or 2 guys tried it sporadically, because it devastated the bed for some reason pounding it that hard right down to nothing they couldn't come back for some reason. I don't know whether it was that or environmental thing. I'm just afraid if you have just that one area open...I think it should be...if you're going to have a closure, have the whole coast closed. If you want to reduce effort, you have to maybe these could be zones...these pink areas and green areas and could allot so many boats for each one of these areas. Obviously Casco Bay you'd have a lot more boats to be able to go in there because there's a lot more scallop bottom, whereas Saco Bay it's a very small limited area for scallop bottom. My suggestion would be in Saco Bay, basically you have two harbors...you have Camp Ellis and the Scarborough River. I don't know what the numbers would be. You'd have to see the fishermen. But I would say two boats if you want to really limit it to each harbor and Portland Harbor, I don't know...you'd have to talk to the Portland guys and see what they wanted to come up with. Fishermen have always conserved...that's the other thing with this license thing, saying people can't have a license. You are punishing the fishermen for not pounding the resource. We didn't buy a license, we didn't go do it. I go scalloping but I don't bother, if it isn't worth it, I don't bother with it. I've seen guys down in mid-Coast...if they get down to 100 pounds they quit. They don't bother with it anymore. The stocks can replenish then and I think that's what you have to do. You have to have enough stock that you don't devastate it right down to nothing and grind it right down to nothing. And, what happened with the ground fishermen, when they shut the ground fishermen off, every ground fishing boat put a scallop drag on and just pounded the scallops down to nothing. The guys were hungry. They had no where else to go. They had the boats. They had to feed their families so they went scalloping until there was absolutely nothing left. Again, I don't know if that has to do with it or environmental or a combination of things, but I do agree you have to get control of it and if you have a closed area and all of a sudden open it up you're going to have people devastating it again. So, saying nobody can get a license...a lot of guys had licenses are retired now and probably would never go scalloping so to tell a guy that he can't have...I think if you just made it that anybody who had a scallop license in the past can get one now it would probably would take care of itself. Because most of the guys I know in Saco Bay are retired and probably wouldn't go scalloping...I don't know. There's younger guys there now but they never held a license so they wouldn't be able to. I do think that you need numbers. It's almost like...I think that's true with the lobstering too. I think the better way to do it was to go to each harbor and how many boats there are, and ask that harbor how many boats they think are sufficient for their harbor. If 40 is too much, you cut back to 30 and when you get to that magic number of 20, 25, 30...whatever it is that will sustain the resource, then hold at that. I guess that's pretty much it. Thank you.

### **George Freeman cont**

Something else that hasn't been mentioned yet will the talking at the advisory council level or somehow when these areas do open is weighting in favor of the people who actually fish in that area...the people who live in that area...we don't have specifics on it yet, but that's what we're leaning towards and that's something we have to work on. But, it's not like everybody's going to be able to rush right into these areas, it's something we're definitely going to have to work on but it gives us some more options there. It's just going to be a bitter pill to swallow in the meantime, but if everyone who collects who traditionally fishes in Casco Bay area if they could be guaranteed access into that afterward and guys say from Downeast aren't allowed into that...that would work out a lot better for us...and it said something we're going to work on...I don't know how we're going to do it but it's something we're doing. There's a little bit of light at the end of the tunnel there.

### **James Buxton**

Scallop diver. I think DMR, the law of unintended consequences, is going to create a significant problem and it's happening in many of the fisheries you guys regulate. Right now by overlapping the urchin and scallop season you're compelling us to kill one or the

other to the very end. There's no relief for the resource because you don't have...you can only work 3 or 4 days a week, so when that day comes you go and go as hard as you can physically do it...regardless of the weather. I was urchining when it was the most dangerous job in the country back in the mid 90's and OSHA and everybody was trying to get involved...trying to reduce the number of people getting killed. When you take 3 days of scalloping back-to-back by law, it takes 24 hours for a diver to get rid of the nitrogen in his body, so you're compelling him to load up and you will be bending people on that third day...guaranteed. And to my knowledge there's only 2 chambers in Maine and only one of them I believe has access to the public...those two. [LC: Bangor, Sanford?] But is Sanford still operating? [No] So we're at one...so everyday I've scallop-dove to make a living I have been at the limits of my decompression by the end of the day and you take 3 days in a row and you're guaranteeing the State creating a problem. And, like George said, you throw in a Saturday and a lot of recreational guys and stuff are going to go...a lot of commercial guys are going to go because we had to urchin Monday, Tuesday, Wednesday if that's what our calendar that you gave us says we can do. So, the law of unintended consequences you're putting us in a corner that we have no other choice. I oppose much of this for many other reasons that other guys have said and I think you should reconsider exactly what your calendar looks like and the length of the season. Thank you.

### **Brian Soper, Harpswell**

I'm having a hard time figuring out where to start...been diving scallops when I was 18...I'm 49 now...diver Casco Bay. Primarily Casco Bay...I've dove Boothbay, Muscongus Bay, Penobscot Bay...dove urchins, dove everything...been a scallop diver a long time. I realize I'm in room full of a few divers and quite a few dragger fishermen and when I've met you face to face I'm the red boat that says Surf on the back. Ruthie, you worked next to me all the time...the gentleman with the small drags, I've looked at his face when I've come up; I work with these gentlemen on a daily basis. I realize that there's a problem...I might go out on a limb here...we have a problem with our scallop bottom, not necessarily the scallop resource. Scallops are very resilient. They'll come back quicker than you can even imagine. I'm diving bottom that I dove 22 years ago. I dive it year after year after year after year. I dive some of the bottom 1, 2, 3 times in a season and do the best on the 3<sup>rd</sup> time through that I do the first time through. I agree something has to be done. I don't have a problem with it. I'm not saying it's all of the draggers fault but we do have a problem and I agree with a lot of these guys is the drags that are being towed now...these big heavy drags, they can, just with a big horsepower, they can tow over anything. Years ago...and I don't know that much about it...but I easily towed more of what they called a tooth drag...your smaller drags...smaller horsepower...they were sort of limited to certain areas of the ocean where they could tow and in the last five years we've watched this chain sweep drag with bigger horsepower able to tow anywhere in the ocean basically. And with the plotters and stuff they have the small cracks they're getting up in...so there is not any what we call dive bottom and tow bottom...it's all mingled together. There's very few places that is just what we call dive bottom anymore. But in those areas, you can actually harvest scallops year after year after year and they come back. There's a large portion of Casco Bay that hasn't been towed for three years now...I know this very well. If somebody went in there, towed a drag and took a look...the reason it's not being harvested is because the size of our scallops the big ones are the ends of your thumbs. It's not a lucrative big business...the draggers are pounding the bigger scallops, just like these guys are talking about in the western bay that the bigger the scallop the easier it is to make a days pay. Because of this I've been able to watch scallop populations come back amazingly well. The other thing is there's been quite a few studies done on what dragging the ocean floor does and these guys are talking about pounding the ocean floor and that's exactly what occurs, as pounding the ocean floor until you take a rock this big and turn into a pebble...and on that rock that isn't towed a barnacle lives and on that barnacle lives a sea urchin and there's creatures and the way that I understand it when you tow the bottom of the ocean it releases these creatures into the water and this is what scallops live on. So the more you tow it and the more you tow it the less there is for scallops to live on. I've witnessed towing being done so the bottom is turned into powder...absolute powder. I'm not saying its all draggers fault...it's not all divers fault, but we have to find some happy medium in what we're doing to the ocean floor. But shutting down...closures...I don't have a problem limiting my days, I hate to say it, this gentleman's talking about diving 3 days in a row. You're looking at a man that dives 7 days in a row at 60 feet. I am bad. I am one of the worst. I don't do it anymore [as] I only dive 4 or 5 days in a week and my 5 or 6 tanks a day. But I am limited to a 60-foot mark. I cannot go deeper than 60 feet...physically you just can't do it. I guess what I'm asking is, don't shut us down...don't...give us something to work on. Scallop diving is my income in the wintertime. It is a portion of my income. I'm not going anywhere else. I do own other businesses. I'm a lobster dealer. I own a store which I sell my scallops through. I'm trying to figure out where your numbers come from because none of my scallops have ever been logged...never once...never once my scallops. And I'm going to throw some numbers out here and people will say I'm crazy. I average 200 pounds a week. I do it and I believe we have 18 weeks in the season...roughly 3500 pounds in a season I harvest. I harvest an average of 50 pounds a day. I've been doing this for a very long time and I'm still doing it. My difficulty is the bottom in which I dive has been intruded upon by draggers because of what they can do. I do not do what I do as easily anymore but I still do it because there are a lot of scallops still out there and areas can be...you'd be surprised how quickly scallops come back. That's all I'm saying. Just to shut us completely off, if you're going to put me on days, put me on days but just don't shut...move on. My store...I built a store...I've sold scallops door-to-door for 25 years and that gets to be a pain in the butt so we actually opened up a store primarily to sell my scallops, which has gone over very big. But none of my scallops...and I can vouch for anybody in my town...I know where all the scallops are sold. They are not sold to anybody that ever logs a scallop landing. So you people have no idea how many scallops are taken in Casco Bay. It's a very small group of us. We're sitting here in the room. A couple of people that do [what I do in] Casco Bay...Kenny isn't here...don't know why he's not here; Donny Rickers not here. I can name these gentlemen. I work with them on a daily basis...everyday of the week. I just don't think you should be shutting us off like that. On November 19<sup>th</sup> they're going to be making a decision on December 1<sup>st</sup> I'm unemployed...I'm unemployed. If you were given 2 weeks to be unemployed what would you say about it? I've already paid my license fee for the first of December. For the first 30 days I've paid my \$189 hoping...knowing my season was going to be open. So just to shutting us down completely...you want to cut my days...I've been to urchin...I worked 10 days a season. I think it's a little ridiculous but I do it. I work my 10 days and then I tend another diver on another 10 days so I actually get 20 days of fishing whether or not I dive or not. I think our scallop season was 135...I'm not sure. I was able to go 18 weeks straight out...7 days a week. You're taking that from 135 to 52...so be it...I can still fish...let me fish...let me provide an income...let me keep my store open...let me keep the people around me working. The other thing I'd like to see is all the years no one's done a dive study. I've looked...I've been on the phone with the people who do the drag studies and the research and I've yet to find a dive study yet. I guess I would like to see...you want to close this industry down...for the DMR to at least take an opportunity and look at the ocean floor from a diver's point of view working right along side draggers. Side-by-side...we work side-by-side. I worked so close to them...they worked so close to me...yet

we all get along together out there. I think the DMR might learn something...if they actually...my boat is open. I can provide a platform and I can provide hundreds of individual scallop beds that I've been working for years and years. So maybe somebody can understand exactly how these things move, why they move, how they line up, the reason they spawn, why they move around. I believe I can help with a lot of that information because that's how I find these things by studying the ocean floor and we have the beds to work, the platform is there. All you have to do is provide an observer. It would be nice [to have] a diving observer but you can actually put an observer on the boat and document what somebody like me does in a season. There's others out there that does it...that we work the same exact scallop beds year after year after year and there's still producing scallops year after year. I know for a fact shutting this bay down will be phenomenal. You will have so many scallops back here at Casco Bay so quick you won't know what to do with them. But what you will do with them is open them up again and it will be all gone. Rolling Closures is not the way to go some other way is fine but rolling closures...it isn't just deciding that a group of individuals is no longer working. It happened to me in the urchin industry and they said, go back to what you were doing before. I started urchin diving when I was 27 years old. I'm 49 now. When the urchins went down I continued to do that. I went back heavily into my scalloping. I'm 49. I figure I've got 3 more years I can do this. This isn't just for me...it's for my children which are both divers now and might get a chance to do this. I've seen when DMR shuts an area down; it's done...its shut down. I've already been told that by the chairman of the SAC. I talked with him the other day and he basically told me, what makes you think they're going to open them up in 3 years...a very unsettling conversation with that gentleman. He happens to be a big buyer at Bristol Seafood. I know the chairman because he's also on the Marine Advisory Council. Basically everybody told me, this is a done deal, coming to these meetings is a waste of time. I hope you can look at the people and not just the resource for once in your life...look at the few people sitting in this room that you're going to damage. I would like to see a study done not that you can't do it from the platform of the dragger but actually study ocean floor and study scallops from my point of view. And, I have the facility...I have the resource and I have the area that can be done very easily and very inexpensively. I guess I would dare the DMR to learn something.

### **Shawn Rich, Long Island**

I think I would have to say that gear modification is the best solution. You take 3, 4 years ago the State shut down the shrimpers, they threw on 10-foot [scallop] drags [and] went up in where I fish and sometimes they'd be three or four 60-footers throwing 10-foot drags in our small area, which I think the area where we fish can sustain smaller boats year round...year after year. I think it would be very sustainable. But when you throw in big boats with big drags and they devastate an area, it's hard to make a living after they've done their job there. Also, you take the limited days...going back 3 years I fished 50 days; 2 years I fished 46 days and last year I fished 36 days and granted I cut my last year short because of fuel and it just wasn't feasible for me to go anymore. Basically in the season I didn't even fish my 53 days and that was due to weather and gear maintenance and boat maintenance and so on. When you restrict somebody to a certain amount of time and chose the days that they can go it's basically telling me I can't go. If I just have a couple days a week I can go it's not worth it. I don't have anything wrong with the 3 days but it's got to be if you want to go 53 days straight...you can go 53 days straight but you can't tell someone they can only go a couple days a week. Gear modification, days...I agree with all the modification, smaller drags. I know Ricky fishes a bigger drag...I fish 7-foot drag now but I think I can make a living with a 5-foot drag if everybody is fishing the same gear as me. I think that will limit the bigger boats from coming in. It wouldn't be worth it for those guys to throw 5-foot drags on. It would leave resource in better shape for the smaller boats around these areas. Thank you.

### **David Violette, Maine Marine Supply**

I want to let you know I supply a lot of the fishermen here with their scallop gear and that's part of my income too. I just wanted to let you know. Thank you.

### **Richard Holt cont**

You close these areas and I'm in Casco Bay...you're going to close for this December...is that the deadline going to be? Okay...even though...as one gentlemen said we've already paid for this year to the end of December. You've got to think that over. We've already paid for something and we're going to be told you can't fish in this area. I live in Casco Bay...it's where I want to fish...it's like lobstering...this is zoned. I know they have down in Saco Bay. I don't care to go down there so once you close this I still have to buy a scallop license for the 3 years in order to hang onto my right so when Casco Bay opens up again. You say I can go fishing but what if you don't want to go...you don't have the boat that can go around the corner in the days here. There are a lot of little boats that just aren't going to choose to go to these other areas. One gentleman said, oh yeah you can take your boat and go down to Stonington. I've heard horror stories...you come down from down there...they're just like us...they don't like all the other boats and stuff coming in. It's going to be harder to find a place to tie up. We're going back to the issue in our own areas...it was a small fishery and that's where we choose to stay. So the conflicts are going to be we have to [have] gone down. But if we don't want to go down there, we're going to end up paying \$189 last year for a scallop license. I'll be paying for 3 years just to hold my spot so when Casco Bay opens up again...if it opens up. Let's say I don't...I choose to go down to somebody else's area; because I believe that's their area...I don't wish to fish there. It's just the same respect that they don't want them up here. If you're going to have this Casco Bay closed, we shouldn't have to pay anything to hold our space for the 3 years. If it's closed and we're in that area and we don't buy a license for the next 3 years, when it opens up again they're going to say, you're out of it...you let it lapse. That's something I disagree wholeheartedly. You should have the option of saying, we were on record holding our license from 2008...you closed it and I don't wish to go to other areas. But I don't want to be penalized when this opens up again...denied a license. I don't know how you can word this.

### **Nancy Stanhope**

I am an official land lubber. I crew on the [vessel] which was the old Terry and Ruth and before that the Sandpiper and it's an old steel boat built in Montauk back in 1966 and it has fished since it was launched. We are now unemployed. We do not have other permits in other fisheries...we are scallopers. We are a 2-handed [boat], I crew. I have been called the mother shucker because I shuck and do all the deck work and I'm good at it. I take a great deal of pride in my job and the product. We did get a few federal permits...this is now 2 ½ years that I have been doing this. We did manage to make enough money to keep the boat running working up the Cape in George's Bank and then feds pulled our permit along with about...we don't know...6 or 700 other small boat permits at the end of June. So we were unemployed as of 1:00 a.m. on July 1<sup>st</sup>. Picking up odd jobs...splitting wood, welding, you name it we do

it...clean toilets that's my job. We've kept the boat in the water and have been looking forward to our State season beginning December 1<sup>st</sup>, which is now threatened indefinitely and maybe permanently. I have one question and that is, who monitors the product? I mean we hooked into VMS and big brother took good care of us and we reported everything and trip reports were no issue and the amounts were monitored and we were boarded and we logged and landed and kept track of everything and I measured every scallop that came aboard. In Maine that has not been my experience and as a few other people here have mentioned probably the bulk of the product do not go to dealers...there's not much left in the waterfront in that department in my opinion. But there's sure is little mom and pop shop and the next door neighbor and if you need to barter a few for a few sticks of wood to put in your wood stove, there go a few more. We don't eat them ourselves...we can't afford to. And who's keeping track of what goes off the boat...number one; and number two, 200 pounds per trip or per day...I'm not sure how that is defined...seems very generous and I agree that could be changed to a lesser amount. I'm all over the idea of a smaller drag even though we have a larger than a 5-foot drag and don't have money to buy a smaller drag, but that that we could figure out. But shut us down, we're lucky we don't have a mortgage on a home. We're lucky we don't have a loan on a boat and we're lucky we don't have a kid in school. But we don't have medical insurance and we'll be the next one going in line for food stamps and whatever...Maine Care and whatever else the State wants to handout to keep us afloat because we're going down. I don't see any effort anywhere. I have no political animosity and I have very little experience except for the hands-on the real life thing and that is, what do you do if you lose your job and that's all you're qualified to do? Good luck. And I'm only a woman, number one, and I'm almost 65. So I'm (a) probably one of the few women out there and (b) probably one of the oldest one.

We've managed to get down to the Nantucket lightship for a couple weeks before the feds shut us down at the end of June and that was for a 400lb per trip allotment and then we had to apply for whether we got one or not a federal observer. We did get a federal observer for each of our last two trips and that upped the amount to 1200 pounds per trip at a cost of \$800 per observer per day paid by the boat owner. And both observers said, the feds look at what they like...they extract the data they want...they shelf and recycle the paper for the rest...and what we're doing we'll never do again and luckily we're young enough to go into things. Well, I was shocked and horrified, but there you are. [We got] 1200 pounds twice, that paid for the trip home. Anyway, doing that during that 2 or 3 week period, we were very aware three 10-minute tows put about 600 shucked pounds on the boat and we were shoveling them over. Not only were we shoveling over hundreds of scallops, maybe thousands more likely the truth, but it was also the fact the only thing showing in the drag were pie plate...no adolescents nothing remotely next to 4-inch anything...they were massive 7 count. So what happens to the poor little guys down below? They've been left to nourish or re-nourish or whatever goes on and then what do they do, get suffocated, and what do they do kill that bed in the attempt to make it flourish? Is that what happens when you shut down something for 3 years? They'll move. They just don't sit there and produce. I've seen it happen and they move. And so when the guy that dives and is 49 years old says he's got a bed, it's because these things are shuffling...one gets up and the whole community goes and I don't really know much about it. But we have also seen that dragging and [fishing a] 4-foot drag on a smaller boat and worked right at Peaks Island, which is where we live...there's scallops out there and very few boats out there. Between fuel and diminished product and somebody else next door to wherever you're going to send us so we can make enough money to put some wood in the stove ain't going to work and we'll be out of work like a bunch of others...and our boat will be up for foreclosure in the yard too...except that we happen to own it and nobody wants to buy it. Well, that's it. Thanks a lot.

**Steve Train cont** If my area is closed do I have to fill out log book?

**Nancy Stanhope cont**

What do we do about permits...federal permits, because we didn't have history prior to 2004? Well, they didn't give anybody who just got into the business lately an opportunity...they gave the old guys prior to 2004 the opportunity to hold onto a permit. What will happen to the State and landings or history or will one have to produce in order to have the privilege to keep that permit?

**George Freeman cont**

I've held a scallop diving license in Massachusetts for seventeen years. I don't have that license anymore. My best friend still has that license and he's had to move to Massachusetts to take advantage of it. If this was strictly an over-fishing problem that is doing this to the scallop resource in the State of Maine you'd expect a place like Massachusetts who are dragging for scallops within three miles of shore would be inundated with scallops. They'd be so many scallopers down there you couldn't move. I can tell you by first-hand knowledge that that's not the case. The same environmental factors that are affecting the babies up here in Maine are also translating down at Massachusetts. Some of the beds are not recovering to the extent they were at any level whatsoever. There is no pressure on the resource. There is no dragging allowed, so you can't say it's the fishermen that are causing the problem down there. If the same thing's happening in Maine that is happening in Massachusetts and there's no pressure on it, it's definitely not the fishermen that are causing this problem with the scallops. They're just not reproducing to the extent that they could. Whether this is an oscillation in the eastern coastal current that is bringing the spat in on certain select years into the bays and coves or whatever it happens to be, we're not sure, but we're just not getting the reproduction. If it's not happening in Maine...it's not happening in Massachusetts, it's not the fishermen who are at fault. We shouldn't be penalized...having our days go from 145 to 52 days for something that the State cannot prove to us definitively as a result of overfishing.

**Brian Soper cont**

When it comes to the logs and the stuff like that...the data, I guess we're a little bit backwards on this. I guess we should have been making out logs and then you look at your logs and then you shut us down. You're shutting us down and now we have to produce a log. I believe we should be given a little bit of time here in Casco Bay to show you what is in the bay and just somebody me saying there's plenty and George saying there's none...who's right, who's wrong...let's get a little data. You've always told us, oh the data...the data...the data. You have not shown us one squid...not one squid of data yet...zero. Yet, you're telling us what to do. Please let us produce a little data...give us a couple years. Reduce us in whatever way...George doesn't want so many days taken away...I just want to stay open. I don't want all those days taken away either but if that's what it takes for me to continue to work, give me my da\*& 52 days I'd like whatever you give me. But let us produce some data so we at least have a baseline to start from. This bay is its own self. We have scallops here that...I'm going to say are not well. I have fished Casco Bay, Boothbay, Muscongus Bay and I've been all the way up to Penobscot Bay and I have not found in my diving experience the size of the scallop that we have in the

Western Casco Bay. There are a lot of places that have good size scallops but nothing matches to what we have in the western bay of Casco Bay. It's very special and these people know it.

### **Machias, October 9, 2008**

#### **Farrell Beal, Beals Island**

I can't believe in these economic hard times that we're facing that we're going to be stuck with more regulations. I don't agree with any of these. First, the closure; Closures are not a good conservation measure, because when you close these areas you put more pressure on the areas that are open. Then when you reopen them those areas get hit so hard in just a short period of time you're right back where you started. So I think that is the wrong way to go. The next thing to address is the days. I don't agree with that. Dec, Jan, Feb and Mar, we're facing tough enough weather; we'll get what days limited on the weather. Anyone that is listening to this, if there is going to be voting on this, just think of it this way, take your year's salary and divide it up per day, for your 5 days work and take 2 of those 5 days away from you. If you get broke down on your way to work and don't make it you lose that day. If you get sick, you lose that day. So that leaves you 3 days you get paid for if it is not storming. Ring size; you haven't even given the 3.5 inch ring a chance to work. Now they want a 4 inch ring. You realize how much work that is going to be; myself I have a set of rock drags that are ready to go now; all I'd have to do is hang them on the boat and go to work. Now I've got to buy 4 inch rings if this passes; take my time and expense to re-rig all of those drags, rock drags, chain sweeps, you're talking a lot of hours and lot of expense. I can't see where this is really going to help; haven't given the 3.5 inch rings a chance to work. I don't agree with this.

I've been fishing a lot of years, ~50 years, and done about everything in the fishing industry that there is to do. Thank god I had that option. If one fishery wasn't good you could go to into another fishery and that was your conservation. Over the years was a lot of fellas here I know who will back me up on this that I've seen it, when the scalloping would be good and everyone would be scalloping and the next thing you'd know things wouldn't look very good, scalloping would look bad. You could see there would be drags and booms and wenches all over everywhere you could buy a dime a dozen. Everybody would get out of it and start doing other things because they could do at that time. Then down the road a few years they'd say the scallopings back, you'd hear someone say Bennie Crocker when out and got 300 pounds. Then the boats would go back scalloping. So I don't think that business is not good now in places but I think it will come back. You've got to measure size on the scallops. You can't take the small scallops. That is good conservation measure.

#### **Ben Crocker Sr.**

I agree with 100% with what Farrell said. One of the only other comments I've got is I've probably been scalloping as long as anybody in this room. As far as scallops go, I've seen scallops when we couldn't get 100 pounds and like Farrell said we'd out of it and do something else. Then 2-3 years later the scallops would come back, everybody went scalloping. I don't care what you do; these rules won't make any difference. The scallops come and go in cycles. Just the same as any thing that is in that ocean.

#### **Farrell Beal continued**

My advice to someone that really wants to earn something about the scallop industry is I could start naming a lot of names of guys I know in this building who've been fishing a lot of years. What a lot of people were cutting teeth on pacifier a lot of these fellas were cutting their teeth on scallop rings. They've probably got more knowledge. I was never a great scalloper. It helped me lots of times when I was young getting started; scalloping in the winter. If you want to learn the industry talk with guys like Bennie and others in here been in the business a lot of years.

#### **Ricky Wright, Lubec**

On the scallop ring size you've got to put on a limit 200 pound, how does that supposed to help anything when you're just going to have to tow longer? You're losing scallops out through every time your drag hits bottom you're smashing and killing. That is no conservation. You could take a 3<sup>rd</sup> grader out of school and he'd tell you that it is not going to help. It doesn't make any sense and 99% of your laws I'd like to know who does them. They should be hands on before you can make laws that put people out of business. You guys throw laws, we've got so much expense, fuel, everything going against us and the laws you keep putting, you're trying to kill everybody. It has no sense at all.

#### **Tracey Sawtelle, Lubec**

I'd like to know what the state's idea is if they are closing areas, what are they going to do with those areas to help them come back? What the state plans are, not what we're thinking of. You can't take a potato plant, stick it in a sand box and expect it to grow. You have to do something to it. Shouldn't you already have this stuff all figured out before you go ahead and close areas? You people jump ahead and jump ahead; you have to start doing your homework. I'm against every rule that is on here. If you've got a meat count in different places, shell size and limit like with the rings and if you've got a meat count I don't know why you need to dropped the size of the rings you ought to be able to tow 2 inch rings if you have a meat count on them in different places. Then the state cries because we don't have any money I'd say the best thing to do is start laying off DMR people. We can't afford to pay for everybody. You keep taking money from us.

#### **Mike Danforth, Addison**

The harvesting season, the days of the week are really a poor choice. Mon, Tue, Wed are the urchin days. That makes people choose between one thing and the other. You get double conservation that way from the state's point of view that seems like a good thing. But in these times you're talking \$1.90/lb for lobster. Who is to say the scallop prices will be any better looking at the world wide economy at this point in time. But that has nothing to do with this. The days of the week are not a good thing. They should be opposite the days for urchining so you can get a weeks work out of your investment. At this time I have no dog in this fight. I don't even have my own boat anymore. The daily possession limit that as Ricky just said it takes care of the ring size. You'd rather have efficiency in your equipment and do a favor for the bottom rather than raking it 3 times to get the same amount. That makes a bit of sense. The lines, I can remember just out of high school sitting in this exact room and Ellsworth, they put on lines for gear conflicts. What they did was Nov 1<sup>st</sup> I'd go to Eastport and have a good 14 days scalloping. On the 15<sup>th</sup> I'd redo my drag and head to Mount

Desert. They had a Nov 16<sup>th</sup> opening there. Dec 1<sup>st</sup> we were either headed towards a couple of rivers around my hometown or Cobscook bay so we systematically every boat in the state went that way. Instead of running east and west the lines at this time run north and south. I think a better idea to have permanent smaller closures picked out by everybody in this room. These guys know where the seed lays over the years. Smaller areas if that is what goes on...nursery areas. The days that are picked right now, Mon, Tue, Wed, Sat just isn't going to work. These people have to make a living and it takes all week. Why originally were these days picked? [TB: it was the recommendation of the SAC.] It is a shame the scallops will come back in their time.

#### **Dan Rodge, owner of Atlantic Shellfish of Jonesport and Pembroke, Vice President of the Maine Seafood Alliance**

Togue Brawn was mentioned in an article in Commercial Fisheries News (CFN). Does this article [report] accurate landings as far as the state is concerned from 1950 – 2007? [T.B. That is what we have recorded; much of that is voluntary reporting.] I don't think it is quite accurate. In 2004 it says you received 21,390 of scallops. I sent in my records to the state at Boothbay lab, I sent in 74,052. I'm one dealer out of 10 large dealers in eastern Maine. There are some smaller dealers too. In 2005 you listed 21,955 lb; I sent in 105,312lb myself. In 2006 there was 143,867lb; I sent in 94,095lb, just myself. I think you're going on bad [landings] data.

#### **Jim (William) Ackley, Machias, scallop dragger**

I pretty much agree with everything Mike and Farrell said. I'm strongly against the days. I don't think that is fair to punish someone who has both licenses so that you can regulate one fishery more than you are any of the other ones.

#### **Farrell Beal, cont**

That is something I missed on the days; I don't agree with those. I think whoever came up with those didn't have an urchin license.

#### **Lanny Wood, Bucks Harbor**

I agree with everything said so far. The closures are going to promote gang raping basically as it did in the past as Mike said. As far as the days I have spoke to several dealers quite extensively as Togue knows lately and they seem to think that just a Saturday day would be really a big pain in the butt for them and would not help the overall market. It should be Monday through Thursday. Then 3 days off for them to get rid of their product.

As far as the ring size that is a done deal but I want to bring up an issue that hasn't been addressed.

It is not on the agenda and that is control of predators. If we are going to have closures we need to get rid of predators first, i.e., starfish, crabs, something is not going right other than the ring size. The 3.5 inch rings and we're still not getting seed set. We used to have more scallops when we had 2.5 inch baby rings. I know on the back shore, that's our back bone of winter fishing, that the starfish have moved in tremendously. There has to be a bounty put on them or something. I know that would cost the state money.

#### **Leo Murray, Chair of the Cobscook Bay Fishermen's Association (representing 18 members)**

Read written statement. See written comments.

If I'm shaking a little it is not because of the money I have in stocks and bonds it is because I'm worried about how everybody is going to make a living this winter. I haven't got a lot of money invested in Wall Street but I have a fair amount of money invested in what I thought was a living and that is getting harder and harder to do and with the 4 inch rings whether it is right or wrong it is just poor timing. This year fishermen are doing well just to hang on to, to get enough work to hang on to what they have invested. Let alone, we've rigged enough drags in the last 5 years, 2 inch, 3.5 inch rings, urchin drags, it seems that is all we do every year is spend a big charge of money trying to make enough money to pay for what we've had to rig so we can go fishing. I never thought that the day would come when you'd need lawyers to go fishing. I always figured a lawyer was something that your wife got when you'd spent too much time fishing. The way the state is going now we don't have to worry about too much time fishing. We're just getting cut and cut and cut; where does it all end; when this is all over with there will be another bunch of cuts just around the corner.

#### **Leigh Fenney**

I didn't think this was anything to do with the 4 inch rings tonight. I sent in a letter on it today...I was not in favor of it. I thought a lot of us had spent money already to do our drags. I got this letter yesterday about the 4 inch rings, hadn't passed and meeting on 27<sup>th</sup> in Boothbay. None of us can afford to go. I don't see where it is any benefit, my letter I sent in today was, especially Cobscook bay, you already got enough [rules]. You've got the meat count, shell size; it gets dragged down every year until you can't get the shell size or the meat count. If you put 4 inch rings on they are going to be dragging more hours, more days, burning a lot more fuel, and still going to get dragged down to that point where it is not legal to catch the scallops. Two years ago they did a survey down there with 4 inch rings and 3.5 inch rings. It was a 25% difference with the 4 inch rings. To me it is just going to be dragging more hours, more fuel, tearing up the bottom, dragging over more small scallops if you do the 4 inch ring.

The days is what this meeting was about, I don't even know who is one the scallop council but why they picked those days, I've heard rumors some of them didn't have an urchin license and they had the opportunity, everybody knew it was \$89 at the time, everybody could have had an urchin license; everybody was forewarned if they didn't buy one they weren't going to get one. So I don't know why they picked our urchin days to do the scallop days. I don't think that is right.

Closures, I'm just talking about Cobscook bay, I fished down there for over 20 years and I just think it is not going to be good to go to 4 inch rings and dragging and dragging and dragging just to get the limit. With the limit and the meat count, it is going to get dragged down to that point anyway. The days aren't right.

#### **Rocky Alley, Jonesport**

I agree with everything that Farrell and Bennie and these fellas talked about earlier. Who is on this scallop advisory council? [LC: statutes, 4 dragger, 4 divers, 2 buyers, 2 scientists...] Are there any here tonight? If there are any here can we have them come up here and tell us the reason why the days were picked, the closure areas, why these were picked at random and what their theory is on producing more scallops out of these closed areas... when we know for a fact in certain areas especially the Jonesport Beals area, about 90% of that area there are no scallops in. I've dragged scallops as long as Jr. Kelley who is on your council and I haven't dragged any scallops that amount to crap over in that western bay, which is all closed off. What is the sense in closing it; what are you

going to put in there to grow? If there's no grant money to buy these seed scallops to put in there to grow what is the sense in closing it? It is a waste of time. I remember years ago they had these clam conservation acts going on, town against town, closing them off, where did that get them, they dug them all out and they were gone. Now you're doing the same thing with the sea urchins. They closed down to so many days; you should have put a limit on. There still would have been plenty of them. The state screwed us up again. Now you've taken over the scallops and you will destroy that industry on top of everything else you've already done. So what benefit is having the state help any of us, we're better off without you.

#### **Ernest Kelley, Jr.**

These closures, the state originally had huge ones. At the last council meeting they told us to pick out of the big ones. It was the time limit on, John was there, and what we wanted was none of them. But they told us if we didn't they would shut the whole thing down or they could. Then they did let us divide it up into smaller areas. We were given a short time to decide out of these smaller areas which ones were going to be closed. If we didn't choose they would choose. We were really put in a hard spot. We had no choice really. The Commissioner requested this. As far as the days it worked out well for the wardens, they liked the idea because it was. [Rocky Alley: You stated that the wardens put the pressure on you...] No the wardens the wardens didn't; when we first done this they wanted 40 some days; we set there I don't know how many hours fighting trying to get over 80 days....so we come up with something fair to get at least 80 days out of the deal. So we come up with a bunch of days and they just worked out the best for everybody, not just the guy that had the scallop license. A lot of the guys on the council have scallop licenses and have urchin licenses. Most of them on the council have both. So as far as that goes it wouldn't have passed if they hadn't wanted it to. Names I'll tell you whose on it...[T.B. Tim Harper – buyer; Dana Temple – buyer; Jr. Kelley, Barry Huckins – dragger, Terrance Kenney, Doug Wood – are the draggers; the divers are George Freeman, Andy Mays, David Little, Dave Sinclair] I'm the only one on there that doesn't have one [urchin license].

#### **John Higgins, Pemaquid**

I've gone to everyone of these and everyone of the scallop advisory council meetings except for the one in Machias because I had to work...I've already submitted [written comments] about what I feel about this plan and it echoes what everybody has said about the closures and putting guys in a bad position, steaming over areas in bad weather, but I do want to say the guys on the SAC every single time were really in a position of choosing between bad and worse and that is how every single one of them felt. Every single one said I'm not comfortable making a choice at all because I haven't gone back and try to talk with people in my town. But they say at the meeting this is where you decide...but I sat and watched at every one of these council meetings they did come up with something like 90 some days and were told to cut it down again so they came down to 80; then they came down to 72 and then they were told in an email that it was going to be 52. They really were in a bad position.... I'm just saying that for the guys on that council they were in as tough a position as you could possibly be in. It was a lose-lose position. On the record with everybody here I agree with you guys. I scalloped from '74 – '98 from the Cape down to Cobscook Bay; did most of my scalloping out of Stonington. I didn't do it every year but I got \$40K into another boat for what reason I'm not sure yet. But I agree and put it in writing that I don't feel as though this is a plan; I just feel as though these are holding areas. I lived through the lines in Hancock County like so many of you talked about where we just had a congestion of boats in one area and a congestion of boats in another area. I don't question the Department's motivation. I know a lot of people in the room do, I don't. But I think this illustrates that when you're broke and we're broke, the Department is broke, the State is broke, the Dept. is always broke, they don't get any money ever but this illustrates when you're broke you try to stop the bleeding and to me that is what this plan looks like. We're working to put a scallop working group together. I've worked with Cobscook Bay, the Stonington Fisheries Alliance, and recently with people out of Casco Bay and when we're done I can get the list of you folks so I can get a mailing out and let you know how that is going and get your participation in this because I believe that if we don't participate we're never going to get any authority. We're not going to get authority because we promise to participate. I've already learned by going to these meetings that it is different in different region. Casco Bay feels different than you guys do and Stonington feels a little more aligned with how you guys feel about it. But it is because the fishery is actually a little different in each one of those areas. I do think a strategic plan, an example of it I support is what Cobscook bay does. I put that in writing. Then you have to figure out who is that community and who are those neighbors. We in Stonington, there are a lot of people in Stonington that are going to be angry with me saying this. I don't believe we're quite the neighbor that Jonesport, Cutler, those areas are to Cobscook. So it may be a little different for us than for you. I think those are the hard decisions that we have to decide but rather than have the DMR decide them we're going to have to decide them ourselves and go from there. I think we're at a pivotal time in this scallop resource management. So I really want to see us take some charge of it. My daughters are both married to lobstermen, I got a grandson who they all swear he's not going to go fishing, everything he owns is lobster pajamas, a scallop hat, I said he's probably going...he may not. If anything as people testify I just ask don't blame the guys on the council because... they were never giving the choice that they wanted. The Department is up against the wall; and they feel under pressure from the Legislature. I would like to see the Department get a little bit gutsy with the Legislature and say we're doing enough with the 4 inch rings and we're working with the communities and we may look at drag size and stuff like that rather than closures. That would be a lot better. So there is protection everywhere not piled up in places. I do think the day will come when local fishermen will talk about areas that seem to be seed settling areas that help other areas. I know areas in Stonington like that and I'm sure you guys know areas in your town. I think we need to target those as one man said and maybe those would be nursery grounds that are always closed.

#### **Billy Moore, Bucks Harbor**

This whole thing came about because of the decline in the landings in scallops, right, this is what started this whole thing rolling. So this is what it was based on, the numbers in here [CFN article]? It had something to do with it right? Someone put these figures in CFN. [T.B. It's based on a number of factors including these voluntary dealer reports.] I'd like to enlighten you to one thing. The 135lb took effect I think in 2001 [Cobscook rules]. 135lb per boat and using 50 boats, which is a low number, 50 boats, one day is 6750lb; 30 days is 202,500lb. I know I've been there every year. I know there is roughly 50 boats down there for the first 3 months. If [so] that would be 607,500lb and that is just Cobscook Bay, not the rest of the State of Maine. I'm sure the rest of the State...I know they did cause I worked out of Bucks Harbor too the rest of the year and I know the boys in Jonesport. These figures compared to these figures do not compare. If I was a scientist or a biologist and was looking at 21, 390lb would probably say, the scallop industry in serious trouble. But if I looked over and said 670,500lb, wow! In just Cobscook Bay, maybe it isn't so bad as I think it is.

Who made the rule on the 4 inch ring? [LC: Legislature; I don't know who proposed the bill; we could get this later.] You know a fisherman didn't.

On the days that we can work, why Saturday? Why not Monday – Thursday. We travel 60 miles back and forth, 120 miles a day to work, leave our boats down there, the ones that do go down to Cobscook. Why not do it in 4 days and get it over with? [4 straight days.]

In one breath they are pushing safety, the Coast Guard every year gets stricter and stricter and we have to buy more stuff and do this. Then in the next breath they say you can only go these days. Well, you know that a fisherman is going to go. If the only 4 days we can go, we're going to go come h\*\*\* or high water and that is when people get into messes. Why push the fishermen into taking that kind of a chance? It is dangerous. It's not so much in Cobscook Bay as it is all the other places in Maine. We work in some pretty bad weather as it is. I'd like to add about the closed areas, I don't know if the states know this or not but that is going into be a death blow to Cobscook Bay. That is probably going to be the worse thing that they ever did to Cobscook Bay. At least if you've got the option of dragging in Bucks Harbor or Jonesport a lot of the boys are going to stay there and drag; its closer. Mike said the one time we tried having lines in Bucks Harbor that I can attest to we had one area that was open and one area closed. The area that was open by the end of the first month there wasn't a scallop left there. We devastated it completely. It took a lot of years but it did come back. When they opened up everything again so you could drag everywhere it came back. Those lines put too much pressure on one spot. If you haven't got a choice, you got to wipe it out. The last meeting I stressed was, there just aren't the people scalloping anymore. I was going to say that's why the landings are down but now I know that is a crock anyway because the landings aren't down as far as it says it was. I never really stopped to figure it out.

#### **James Hawkins**

I agree with the rest of these guys back here. The closures won't work because you're going to push us all in them little areas. Just to make a living and when they're done they will be done. That's it, the bottom line.

#### **Horace Moore, Machiasport**

I agree 100% with what Farrell Beal said. I think he's got it pretty well down.

#### **Mike Murphy, Machiasport**

I agree with Farrell also. Just add one little thing. A shot in the a\*\* like this may kill some of us. In other words we may not survive it. We're looking at some hard financial times. When you're on your own fighting with the ocean in the winter it is not exactly pretty.

#### **Ricky Wright cont**

Make it quick because I had to pick bottles to get over here tonight. What do we all need to do to get some of these changed because we come over, I've gone to meetings since I was a kid, and not one of them have ever come to my benefit. What do we need to do to get some of these things changed, truthfully.

[LC: Did you participate in the legislative meeting last winter when they set up the statutes that set this all up?] No. But they weren't close to home. [LC: When Augusta gives the agency a directive to go do something that is in large part why we're here. They said you've got to set up a scallop advisory council, you've got to do this, develop these ideas and these were the directions they were given to go to. So it starts with direction from the legislators. If you disagree with that then you have to go back to your legislators and ask them to change it.] We're here to night and these rules are already going through. [LC: We're here tonight because in those directions in the statutes they said the department will go to rulemaking on x,y,z. So this is the next layer down from that. But if you change that then it could become a different set of scenarios, etc. But this started with legislative action that took place with limited entry and such last winter. There were a lot of violation changes that went in last winter. LD2071 Parts A and B.] But you may want to talk with your state representatives or senators, Sen. Damon attended the hearing in Ellsworth and heard a lot of the guys say the same things you guys did tonight and he is the chair of the Marine Resources Committee that heard a lot of the arguments that went on last winter. So it is important to participate in those processes.] But they are held as far away as we can get. You know we aren't going to be able to go to them. That's where all our laws come from. It takes 90 days to get an emergency through to the legislator. We pushing everyone of these wide open... not one of them benefit...when do we get something to benefit the fishermen to help them stay in the business not nailing them.

#### **Rocky Alley cont**

The day rule you're putting in, Mon, Tue, Wed, Sat, it isn't finished yet, correct? [LC: correct] If you want to go so many days why can't we shorten this season; take the last month off. We all know, all these fishermen know we get it dragged down long before them. Go straight days, December 1<sup>st</sup> through March 15<sup>th</sup> instead of April 15 or March 1<sup>st</sup>, wouldn't matter to me; straight season.

I don't think the state realizes when we're out there scallop dragging and we go in to Cobscook Bay area and fish, which a lot of these fishermen here do go to Cobscook, myself included, we go down there, if we fish an area, say a dozen boats fishing one specific area, one day or two days in a row, we depleted that spot down pretty darn good so we can't our 135lb within 4-5 hours time, we're not going to stay there. We shift we go to a different area. We don't specifically drag one area for months and months and months while we're down in that area. If we did there would be exactly zero left on bottom. So as far as saving the scallops we're doing as much conservation work ourselves as the state is pushing onto us with these 4 inch rings and the twine top and the size of your drag limit, we look out for our own actually more than the state going to try to do for us. That is something that you should write down like you're doing...to show the state we are not dumb people. We might be poor people in Washington County, we're the other part of the state actually but we're not dumb. We know how to survive and without the state cramming this down our throats every time we turn around with new rules and regulations, lobstering, scalloping, sea urchining, we would be fine if the state would stay on the other end of the state and left us alone.

#### **Ben Crocker Sr cont**

There's one thing I overlooked. Back in the years when they had these lines on before they shortened the season it would be November 1<sup>st</sup> you dragged so far then November 15<sup>th</sup> you'd go another line, then December 1<sup>st</sup> everything opened up. When we had

the lines on it would be the same as this. This area here is going to be just devastated because every boat is going to be dragging there. The when we open the next line they devastate that one. Then when they opened the whole state it wasn't quite so bad. But the inside lines that was on there for 15 days, they were devastated for probably 5 or 10 years or more before they even begun to come back. So these lines right now your going to, 2-3 have said the same thing, you're going to be dragging them, but then when you open the other places, if there is any scallops come in there, every boat is going to be there and they're going to devastate them in half the time whereas if everything is open everybody would be spread out and we'd know where there is scallops and where there's not scallops.

The 4 inch ring that's another thing, we started out with 2.5 inch rings. We had big fishing; we went to 3 inch was only on 1-2 years, then they said they was no good so them drags never got wore out. We put on 3.5 inch rings; no we used 3 3/8 inch rings for quite a while then they went to 3 3/4; that was the ones we had for a year or two; and the ones that built them they never got the chance to wear the drags out. They only had them maybe one year or whatever. Then we went to 3.5's and we had them for quite a while. On hard bottom even with them you will beat the scallops out. So you are going to try to catch them scallops, you keep going over it, and keep going over it and you kill every little scallop that's there trying to get the few big ones because they're shaking out the drags, and pounding them... These 4 inch rings, it is not the size of the ring, it's the diamond between the rings. When you can only put in 3 links you can shove a 10 inch scallop through that diamond. It's not the size of the ring it is that you can't hold them in them rings because of the configuration of the drag when put together. Maybe in federal waters where there are plenty of scallops compared to what there is in the state waters you can get by with them. On most of the bottom they're fishing off Cape Cod, I've been down there, that is all sand bottom. They're not hitting that hard bottom and rattling everything out. There are going to be places you've got here right now that you're not even going to get a scallop. You're not going to see a scallop in the 4 inch rings. Too much conservation is going to put everybody out of business. Like I've said before and like Farrell said that when he and I started, we've been fishing about as long as anybody in this room, we could buy a clam license, go anywhere we wanted to, or lobster license was \$3, scallop license was \$10 and so on. We could go from one fishery to another. When they found shrimp everybody went shrimping; scalloping was pounded down quite well. Everybody went shrimping, I didn't, I stayed scalloping. I see them scallops come back like that. Then the shrimp kinda dissipated everybody went back scalloping, down went the scallops again with the effort and with the cycle. Then we found the mussels. Quite a few of us went musseling. That took the pressure off the scallops again a little bit, we was able to do that and the few of us stayed they done alright. Then we hit the quahogs. Scallops was right down to almost nothing and I was one of them that stayed for quite a few years scalloping. Then I went quahoging and scalloping and so on and so forth in cycles. When it gets down to so much, and right now with the price of fuel and if the price of scallops is down the effort is going to be down. Nature will take care of itself if left alone. I know that the state is trying to do a job but it has been said here tonight that the fishermen if left alone 98% will take care of the resource. Take care of it our self because when it gets to so much we're going to lay up on it. Any industry you've got there's 2-3% that's going to take advantage of whatever and it don't make no difference what you put on there, they will take anything there is out there... I know back years ago when we had 3 inch rings I went into an area and there's a man in this room he'd tell me I made one tow in that area and I took and had the 8 foot drag came up with everything in the sweep. I picked out 2 scale baskets full of the biggest ones there was and I told them fellas that's good enough. We dumped everything back overboard and went to another area and we was doing good. I that time about a month later there was 2 boats come there and Bruce Porter knows, he see 'em, there's 2 boats come, they took and put a shrimp net in the drag... that's when we had 2.5 inch rings. I went back there the last of the season to see what there is and I got just about a 10 quart water bucket in an 8 foot drag.

#### **Julie Keene, Lubec/Trescott**

I heard a lot of people in this room tonight talking about Cobscook Bay. I want to speak to Togue. Didn't the Legislature mandate that no matter what you guys do that Cobscook Bay was supposed to be not raped this year? All I've heard tonight in this room is Cobscook Bay, Cobscook Bay and I live on Cobscook Bay and does anybody hear know why we still have scallops in Cobscook Bay? Do you know that we had to hire a lawyer to get conservation on Cobscook Bay? Those of us that live down there and work down there have shared that bay for many, many years with a lot of people form away. A lot of people from our towns have tried to go around the corner and fish and we don't get a very good reception. We just want to make sure we have a scallop resource when all these closures herd everybody into Cobscook Bay. We want to know what the state is going to do to insure that we still have a scallop fishery because you've heard everybody say they're going to come there and their going to pound it and they're going to rape it. Then what? If that bay up there is possibly seeding the rest of the state and they come up here and they take it all where is the conservation in that? How come nobody else in any of these bays ever tried to enact some conservation on their areas, ever? I want to add one more thing people in this room don't know. Cobscook Bay right now is under enormous stress because the DMR has allowed a rockweed harvest to take place up there. They took about 16,000 tons of seaweed out of there. They've disrupted the entire ecosystem in that bay. Now you're going to herd all the scallop draggers up there and they are going to pound it even more. There isn't going to be anything left.

#### **Mike Kilby, Edmunds**

I'm 24 years old. I bought my first boat when I was 20, four years ago. Had a hard go but I kept at it. Lost the engine the first year, put another one in it, kept going, that's all I know how to do. All I've got is a scallop license. Right now I'm on an urchin boat 3 days a week. We're dragging sea cucumbers the other 2-3 days per week. Now you're going to tell me I can only go scalloping 3 days a week, on the same days that I'm urchining. It's not right. Why don't you propose a tag system, leave it open year round, give them 52 days, 100 days, whatever, let them go for it, let them go when the weather is fit. You're pushing everybody when the weather is not fit. January and February you're not going to get many days period because its going to be too cold or the winds going to be blowing or the ice is going to be too thick. It ain't going to be good. When there's nothing left where are you going to turn, the state ain't going to give you a hand out.

#### **David Leach**

I wish I could express my feelings as best I could but I get hot headed. I told you everybody else was going to be about it. When we go to the polls and vote we don't vote for people to go in there, it's like you know Augusta, the state house is like a cancer, I think people go in there with the feelings to help people out but when they get in there they get so corrupted this is what we have to face as American people. We're the tax payers, fishing, feast or famine, ever since I was a kid its been called that. All these old

timers...you used to be able to jump from one fishery into another, whatever is going, there weren't no political powers jumping saying...the thing is if they was going to do something they should have started this 50 years ago when the ring size was 2-2.5 inch. I think their 30-40 years too late. Let the fisherman does his suffering and let us do our griping about it, not the Legislature. When it come around it will come around. I told in Ellsworth this is America...let's get back to the basics. This country is about ready to revolt right now. I don't think this ought to add anymore to it.

**Dennis Sargent**

I've been scalloping a little over 30 years in the winters. I disagree with all these proposals. I don't think anything is going to help. If we'd had just some small conservation measures way back it probably would have helped. But these closed areas just dumps everybody into the other areas that are open and when they open I know you're going to open them up randomly but when they open everybody goes right there and drags and this has all been said but I disagree with everything on the proposal.

**Lanny Wood, Bucks Harbor, cont**

I just want to reiterate the last gentleman said. I think the closures will promote gang raping is the worse thing I can think of and just going to concentrate people, instead of spreading them out. As far as, Bennie gave me an idea, that if we go with the 4 inch rings is there any way we could be allowed to go with cookie gear to keep stuff from going between the rings? Again, I want everybody to hear it I think the biggest issue is predators. Starfish, crabs, hermit crabs, the more bait thrown in there for lobster fishing is chumming up more predators all the time that are just chowing on the [scallop] seed and we haven't had a decent spat set since I first started back 20 years.

**Paul Cox**

On the days, I fish in Cobscook, drag the month of December, you know the mud, I dive urchins after that, and the mud they, three days a week I got to get out of there. No visibility for the month. I'd have took the early season if I'd known if this was a go or ain't. I don't want to lose the winter.

**Brian Moore, Pembroke**

I fully agree with Mr. Sargent and what Mr. Beal said, and Leo. All it's going to do is just put pressure on the areas that remain open. The days are just going to put people in jeopardy. Especially these fellas that fish down the shore and their on that outside, up in that puddle in Cobscook it can blow 100 and you can fish up there. But you wouldn't want to be down off the end of Frenchboro if its blowing 100. But if it's a day you've got to fish, it's a day when the bill collector is wrapping on your door, and you're going to go. There's been people that need to go and they've gone and they ain't come back. That will happen. These closed areas, they are closed now, there ain't nothing there. Them guys ain't fishing them with fuel at \$4 a gallon. They ain't going up to drag if there's nothing there. You can close them. Close Gardner's Lake to fishing mackerel and 3 years from now you ain't going to catch mackerel.

**Merrill Wallace, Milbridge**

I agree with Dennis Sargent and I didn't hear what Farrell said but I'm sure I'd agree with him. I have seen more small scallops in the last two years than I have in the last 10. So if you guys just back off we'll take care of it ourselves.

**Frank Thompson, Harrington**

I agree with these fellas. Restrictions don't help us at all. Some of these guys I take it they don't want you urchining the same day because you have an urchin license they don't want you scalloping. But you start putting restrictions on and before it's over it will bite every one of us. A lot of it is crap like it has been stated.

**Jonathon Wallace, Lubec**

I oppose all the rules and agree with what every one has said tonight.

**Gary Stanwood, Steuben**

I've been scalloping since '73. I fished around Farrell, Bennie, Dennis, all these guys. I've seen a lot of limits on bays just like they talked about. Just leave them alone. Let them try to make a living. They're going to need it this winter, with lobstering the way it is and the price. I agree with these guys.

**Dennis Sargent Sr., cont**

When he mentioned seed scallops, I've seen quite a few seed scallops this year in deep water. I hauled a pair of traps the other day and two little seed scallops come up on the head of the trap about big as a 50 cent piece. So they are out there in the water and they are moving around. So there is hope down the road.

**David Thomas**

I agree with all of this, it ain't right.

**John Polk**

I agree with everything these guys are saying. I didn't have any intentions when I graduated from high school of going on welfare but I think you're going to drive us to it.

**Maurice Alley**

I haven't been dragging very long but since '70 but anyway...I disagree with the days because you're only going to get about 2/3's of those if possible that and that is not enough. As I emailed Togue a few months ago, her and Terry, that how would they like to take a cut in their pay over the winter? We can't afford this.

**Billy Moore cont**

I don't think it is going to make one bit of difference what they do. If they go with the 4 inch ring its irrelevant because we're not going to get nothing anyway. So there's not going to be any sense of going. I think that the major thing of this whole thing is that 4 inch ring. It has to be put back to 3.5. we're just not going to do it, financially you're not going to be able to drag scallops with 4 inch rings in this area. It's well known. I think everybody knows that.

**Merrill Matthews. Lubec**

I disagree with these proposals and agree with all these fellas.

**David Leach cont**

Anyone here used 4 inch rings yet? I have too. I went down to Cobscook Bay, I think my brother had them...I couldn't get a 3.5 inch ring and I had a 10 inch twine bag on my drag. I could only get 4 inch rings. You know what I was doing down there? Catch and release program. They was like salt and pepper coming out of there. Look, I respect what you say lady [Julie Keene], I know your feelings, about Cobscook Bay but you know I live in Steuben. Gouldsboro bay used to get hammered probably worse than Cobscook Bay because they won't come down there and shell that little stuff when they could sell big stuff. Last time I knew Cobscook Bay was part of Maine. We got to leave it alone. Let the people decide for this. I still say we need to go back to 3.5 inch rings, please.

**Ernest Kelley**

If it has to go in front of the scallop advisory council (SAC) I'm sure you could get a meeting together with them any time... What you guys have been saying is just what the SAC sat there and fought with them guys for so long that afternoon. You guys have said the same thing yet you guys are blaming the SAC for this mess and it wasn't the SAC. Most of us was against it but as John told you we were given a choice between a sh\*\*\*\* deal and a worse deal and we was told to make it. So that is what we had to do.

**Adam Stanwood, Jonesport**

I've dragged a few scallops around over the years. That's all I've done year round. That's the only license I have left that is supposedly any good. I think the state wants to take a good look at what's going on with the scallops before they blame us for the devastation of it. You want to close these areas down but you don't have a plan to bring them back. Bring us a plan before you take our living. Because I've seen years past over 90 boats in that little creek Gouldsboro Bay my home town and the next year. You'd go back there year after year and you'd do your 700-800 lb a day. Off Jonesport, there are days out there you count 30-40 boats around there just drag, drag, drag all winter. The boys from the westward do trips down there and the scallops are there every year. So don't blame us and take all of what we have left for a living away. I'm not going to make it on 52 days. I don't know who come up with those numbers but it is absurd. You guys are going to be, the bloods going to be on your head. I know it falls on deaf ears. You guys got your minds made up. Just from that letter, as long as it does not exceed 52 days. The 4 inch rings suck. I've dumped my drag out down to the cape before you can get it set on the deck you've got over a bushel laying on the dumping mat. It's crazy. We've got hard bottom to deal with up here. You rattle everything right up. If the state wants to do something, ease us into it. Take a month off, take April off, give us something this winter to depend on. I can't see where that is too much to ask. Just ease us into it. Just don't slam the door in our face like you have all the other things.

**Ben Crocker Jr.**

I've been dragging scallops since I was 14 and in 25 years; I think the whole thing is a bunch of bull s\*\*\*. Should be just thrown out. The scallops will take care of themselves. I've dragged scallops the whole length of the coast of Maine. Been to Cape Cod, all around. The 200 lb limit that's, everything, the lines, closed areas is a bunch of bull s\*\*\*. The scallops will come back. When I started scalloping you couldn't get 50-100 lb a day tops. Couple years later we was getting 400-500 lb a day every day. We started out 2.5 inch rings, didn't make no difference. They still cleaned them up by fall, by the spring. 3 inch rings, done that. 3 ¼ towed those. 3.5's now, I've got a federal permit, 400 lb, I can't even fish in the state waters. They sent me a letter yesterday saying it was closed. The quota is closed, I can't even go fishing. The 4 inch rings, you guys them on, you'll find between the 4 inch rings, price of fuel, you can't even afford to go. Scallops will come back. They will take care of themselves. The closed areas, we fish Cobscook Bay 14 days, got to MDI fish another 14 days, come home put the big drag on and wipe out Cobscook Bay in 10 days; Bass Harbor bar, duck Islands, nothing by December 1<sup>st</sup>. The rest of the winter we'd go wherever we could catch scallops. The 200 lb limit, I'm not going to leave home to go drag 200 lb someplace else. When we couldn't catch scallops here we'd go Stonington, Portland, didn't matter where it was. We was fishing Stonington, Matinicus, you can't run down there for 200 lb a day. When they have these closed areas, half the places in the closed areas there won't even be scallops because scallops don't grow on most of the bottom. There's only places where you catch scallops. If you're going into make rules you should have somebody who has been doing it, the guys that's been in it for 25-30 years, they know what's going on. Guys that sets up there in the offices, they watch it on TV or something, they haven't got a clue. Just leave it alone, fishermen will get out of it, when scallops come back they'll get back in it. I'm against the whole works.

**Ralph Dennison, Lubec**

I remember back in the late 80's scraping in Cobscook bay for a few 100 lbs on opening day then coming back here in 95-96 and getting 800-900 lbs. I don't remember any closed areas during that time frame. Somehow the fishery improved itself for a comeback. Every year they seem to move in and some years they don't. A year later they will be back in there so I don't agree with the closed areas. I don't agree with forcing everybody to condense and fish into one area. I don't agree with the ring size but there's nothing we can really do about that. As far as 4 days a week of fishing, and only on certain days, I totally disagree with that. You're forcing people into dangerous situations.

**Ben Crocker Jr. cont**

Another thing on the limited days, I've got a 46' boat, I'm going to fish every day that is possible we can even get aboard the boat if they cut. So we're going to put in to weather that ain't even fit to be there. If they limit us like that you're going to have to go fishing and it is not going to matter. We're going to be there blowing 40-50 whatever. Safety issue. We ain't got no choice. I got \$300,000 tied up in a boat, it can't set on a mooring for nothing. I got to do what I got to do.

**Dana Mitchell**

I'm not as old as Bennie and Farrell, but I agree with them.

**Jeff Conley, Roque Bluffs**

I agree with what all the rest of the guys have been saying. Especially on the days I don't agree with the days being chosen. I think there could be a lot more discussion on picking the days. Like its been said here, the economic times that we're facing and a lot of these guys, a lot of them are but some of them aren't lobster fishermen and right now everybody is trying to make their fall money lobster fishing and the lobster industry has dropped right out from under us. We're going to have a hard time dealing with this winter with everything the way it is to start with let alone the extra hardships these rules are going make on the rest of our income for the year. States' going to be looking at dealing with a lot of extra homelessness, people freezing to death, starving to death. Those are just x-amount of things that go with it. People don't want to look for handouts but there will come point where you're either going to starve to death or you're going to ask for a handout. I'd rather work and do my own. I think there's a lot more discussion needs to be put forward before we get our throats cut.

**Thurman Alley, Beals**

I don't agree with the closures. I pretty much agree with about of what Farrell said and I agree with what Rocky said. It looks to me like we're going to be eating the 4 inch ring anyway. The state ought to let the 4 inch ring work for 2-3 years and see how we make out, out of that before we start closing areas and shortening our season to 52 days. I think we're going to need the whole season the way things are going right now.

**Walt Jessman, Cutler**

I'd like to say I agree with everything that has been said. I have a question as to what brought this on. Was it brought on because of the regulations the federal government has recently set for the scallop industry, which put a lot of people out of business. Is the state just trying to finish everyone off is my question. I'm against the days, someone is going to get killed. I don't know who is held responsible in that case. Is the sate responsible for setting these days? I can understand up in the bays. You can fish whatever day you want. We fish Cobscook Bay. We fish for one month and we're out of Cobscook bay. We fish the outside shore up where your first red zone ends. What I personally believe is going to happen is this is a set up. Quoddy Head is going to be hit with boats. Because that is where you're going to go where you can catch in your 4 days. So you're going to have an emergency closure in Quoddy Head that's going to force all your Lubec fishermen, Eastport fishermen, and everyone else down I believe it is to Western Head in Cutler you have your line. They cannot travel that far and make a living. For one thing there's no scallops below there. I just don't understand the mentality of it, I'm against it all.

**Larry Wood**

I disagree with everything. Especially the days. Whoever thought that up ought to be horse whipped.

**Harris Norton**

Opposed to all of this.

**Danny Fitzsimmons, Lubec**

I've always wondered what they meant by vacation land on our license plates. Its starting to get clear.

**Mike Kilby cont**

I'd like to add on more thing. You guys worried about conservation; why don't you take all the part time fishermen, the ones that work at the mill, hold \$60-70K a year jobs, do away with their licenses and let us go fishing.

**Roman Rozenski, Frenchboro**

Opposed to all; I don't like how the days are split up either. That is no way to make a living.

**Dean Alley, Addison**

I've seen what your line system did to our quahog industry back in the early 80's. Did this line thing and all the lines we had then we had quahogs on, go back and try it now, there is not a thing on it, you can't even drag it. The mud is gone. We had 90 boats working about a 2 mile area. And you're going to do the same thing with the scallop industry so I agree with all these other guys, none of this makes any sense.

**Jeff Miller, Pembroke**

Opposed to the rules as currently stand.

**Brian Moore, Pembroke**

A month or so ago me and some other guys went to a sea urchin zone council meeting down to Craig Brook. One of the members on the council, he's a diver, I can't remember his name, he's from down the coast, all I can remember is he had hands on him like scale baskets and one of them he didn't fingers on but I wouldn't want him to tackle me, big boy. You guys ought to listen to him. He said he dove from Kittery to Calais and he seen more scallops than he'd ever seen. Did he or did he not say that Togue? [TB: He said he'd seen an increase in certain areas, yes; it was Marcus Jones.] In areas he hadn't seen them before. Like Billy Moore said earlier, the landings, do the math. Take 50 x 30 by 100 lb for the first month for Cobscook and you've got more than any landings you guys got listed. Except getting back into the 60-70 or 80's when it was up in the millions. If you listen to the guys that seen it, pretty much surmise the data ain't 100%.

**Jason Hicks, Cutler**

Ditto with Mr Crocker Jr. When they do away with useless jobs for the state we'll be able to make a living.

**Adam Stanwood cont**

Just want to add one thing. As to why I opposed the closed areas as well. Everybody knows in an historic place called Smiths reef down here that the scallops were just 10 tiers deep. There was 80-90 footers wrecking them. People dragged them for a few years after but that bottom hasn't been dragged for years to really amount to anything. I think the last one to drag it was Bennie Jr. If closed areas worked on historic seed beds, Smiths reef would be full again, because we don't drag it. It gets dragged very, very little. I think the state is going to have to really take a look at what they're going to do for seeding them in instead of closing us off and taking 3 years and seeing maybe there's something there. I have one more question, Why doesn't George Lapointe attend these meetings any more. Where's the legislature that makes our ruling. We don't need a middle man. We need them here to speak with. You can pass it on but it does no good. You was going to pass on one time why I couldn't keep my pickle license, you told me in a meeting in Ellsworth I'll see what I can do and I never got a call. You ripped it out from under me. I'm fed up with it. We want George Lapointe and the legislative people, at these meetings. We've had enough of it.

**Russell Leach** I oppose the whole mess. Garbage.

**Jeff Conley cont**

As far as the landings data its been said here by a couple of different people and this is just a small meeting, that the landings data is a crock of sh\*\*. By one of the main dealers own account as to what he sent in that was more than what the state's reporting for the whole state. If that is the basis of all this rulemaking and closures and all this other crap then the whole basis for all that is a crock. Put us out of business on the notion that the scallop industry is down and out and on its last legs. When in actuality if the actual numbers were shown then it probably isn't. I don't know these numbers myself but just by what a couple of people have said here tonight then there's something wrong.

**Ben Crocker Jr cont**

As far as the closed areas we fished around a lot of places. Back and forth to the Cape I've stopped on Platts and tried it back 15-18 years ago, and the scallops were a\*\* deep. Been closed for, you ain't supposed to drag there now but we stopped and tried it and there ain't no scallops there. Unless you have a set of seed it isn't going to matter what you close or anything about it. There is not going to be any scallops. You guys can put seed scallops in places and it don't mean they are going to stay. They move around. We could have a set of seed come in that comes from Nova Scotia, come in over night, to closed areas unless there's seed there that is going to stay it isn't going to matter. 90% of the time you put seed in one place its going to move, not going to stay. Closed areas won't work...this isn't the Elephant Trunk or Nantucket Light Ship. This is a different ball game.

**Tom Pottle, Perry**

Opposed to these rules as presented. The one thing I'd like to see come from all of this is a final picture that the Department would like to see from it. Get it on paper and get it to the people so we have a clearer picture of what they are after, final outcome.

**Gregory McConnell, Lubec** Opposed all this.

**Tracey Sawtelle cont**

I'm curious when you guys go to the legislature or the DMR AC or whatever crap you go through are you going to mention anything about gee I think we're really way off on the landings? ...What should happen if you pass all this stuff, I think everybody that can get any kind of boat you can imagine and needs to all go fishing all at the same time. First day that we're not supposed to be able to go everybody needs to go and that will give the DMR something to do. Seeing as you don't want to work more than 3-4 days per week. ...like clamming or scalloping or the seaweed, we've been taken down, the DMR has and showed, you got a 16 inch law, they don't care, they raped, scratched the rocks right off; the DMR won't do anything about that and I'll tell you why because Lapointe and buddies with the Nova Scotia over there. He don't come to any meetings because he's like a lot of people said, I think he's a coward anyway but he's getting paid by fishermen and everything else. He needs to get his a\*\* to the meetings.

**Jeff Conley cont**

I know this isn't part of the deal tonight supposed to be, the 4 inch rings, the only way to go back through it is go through the legislature. A few years ago a few of us fishermen when to Augusta one of these legislative hearings and I was talking to I believe it was Senator Damon about it and we were talking about urchin fishing, how we had a 3 day a week season and the hardships we face with that. I told him say Monday it blows 40 knots and we can't get out we lose that day and he says well yeah but you get it back when you can go Thursday. I said no we can't, we can't go, if we lose the day we lose the day. These legislators don't understand that by setting the 52 days season specific days that the days you get. If you don't go you don't get them, you're done. They don't understand this. They need to be made aware of what they are voting on before they vote on it. Like every body else has said take 2 days away from your paycheck what are you going to do. You're going to do the same thing you're trying to make us do, nothing. The legislators need to understand what they are voting on before they vote.

**Brian Moore, Pembroke**

I work on back of urchin boats for quite awhile. 45 days, 1<sup>st</sup> couple days of the season you get a good price. When the price when to h\*\*\* every body would say tie the boats up maybe the price will go up. Can't tie the boats up because you've only got so many days. Every day you stay tied up protesting the price is a day you don't get back. Don't think the buyers don't prey on that. They're going to do it on this too. If they want to pay \$4 lb for scallops, them guys got to go. They've only got 52 days and they can only go M, T, W, S. They ain't going to set home waiting for the price to go up. They sit home 8 of those days, now they only got 44 days. You don't give us any room to w0ork as a group. Like right now it would be some nice to tie every lobster boat on the Maine coast and hope that Monday morning we could get what the lobsters were worth. We could do it because we're not limited to days. I don't think it would matter. They've got their mind mad up what they're going to pay anyways. That has happened in the urchins. You can't tie up to protect the price because you lose your days.

**Farrell Beal, cont**

Is there someone who is going to listen to all these comments? [LC: ...right up pretty much what people say, I will clean up...points made, not a real transcript, otherwise I'm accused of manipulating or not putting down all your information...summarize the primary point addressed with a response, in writing...] You've got to realize you're talking about people's livelihoods here. It's serious, you know the condition of the country. I haven't got to tell you that. The fishermen just can't stand any more restrictions. The guys that are lobstering fishing this has been for most of us has been a terrible season. We're just starting to get a few lobsters now and the price has ridiculous. That is going to be a lot of expense and time consuming for guys to do that for the drags. What I stood up to say was before I didn't mention about the limited days. I set in the restaurant last year during dive season and I heard a couple of divers set in the next booth to me and one of them said to the other one, "I come near going for it today. I went to the bottom and I couldn't see. I was trying to feel the urchins on bottom and swimming along until I ran into a rock, knocked my face mask off." He said luckily I surfaced and was fine. These limited days put so much pressure, not only on just the divers the guys going out there fishing that haven't got large boats and they're going to try and go out there a scallop on these days. Monday comes and its blowing a gale wind southwest in an area you want to work and its right in the face and eyes in the wind. Let me tell you I know. I turned a 30-40 foot boat over, bottom up, and the reason I done that was I was out trying to drag quahogs when it wasn't fit for me to be there. Luckily myself and the two guys that were with me they thought I'd drowned; pinned me in the pilot house. Luckily I got out. It comes down to I was fishing out there when I shouldn't have been out due to the market, they needed quahogs and I went after them. The boats out there now on bottom.

#### **Ben Crocker Sr. cont**

Farrell's last comment; I've got to go along with that. These days when you've got a limited number of days you're putting everybody in jeopardy because like it has been said here tonight that things is tough and if somebody has got a payment especially if they have a family and big payments they're going to have to go try to do it. In all of these regulations is not to save the scallops, it is not worth one mans life.

#### **Leigh Fenney cont**

The 4 inch rings thing that wasn't tonight's meeting , you say the legislature has passed it. Why did we get a letter for a meeting in Boothbay on the 27<sup>th</sup>? [LC: In the statute it says not only is the 4 inch in effect then it says, and the department shall write the regulations that agree with this. In other words it needs to be in both places but it is already in the statute.] So why have the meeting the 27<sup>th</sup>? [LC: It is the way the law is written, it directed us to do it.] Think of it like the feds who may pass a law or have a rule and then we say for enforcement reasons or whatever the department should adopt the same item. They don't do this at the same time, one follows the other. It may be a bad analogy but that is how the statue is written. The statue was done first and then this follows. It probably should have been in with this group of rules but unfortunately it wasn't.] so the meeting the 27<sup>th</sup> means nothing then. [LC: It is a consistency issue with an existing statute, so even if they say it doesn't pass owe we didn't do anything with it, the statute is still in effect unless that is changed and that has to be done with the legislature. That is process.]

#### **Rockland, October 20, 2008**

#### **Doug McClennon, Spruce Head**

I'm opposed to anymore laws that State wants to put onto us because you got an industry that's already in trouble and you're going to wrap it up in a bunch of bureaucratic red tape and you'll make it so it ain't going to help the industry one d#??# bit and it's just going to make it harder for people to make a living doing whatever they do, because what you guys are proposing is not going to help us out...it's not going to help the scallops out. I could go on for hours on everything that's gone out on this bay with our scallops and you guys...you just don't even get it. You're coming from Augusta and thinking about making laws. No matter how many laws you put on the industry, it's not going to bring back our scallops. I've told you before something killed our scallops off. We didn't overfish them. You got a closed season now...it's just not going to do anything in this area. I'm not speaking of Cobscook Bay. I'm not speaking for Downeast, Swans Island...I'm speaking where we live, traditional backyard fishery where we go home at night, get up in the morning and go to work. Something killed our scallops off and if you don't believe me, you told me at the last meeting they're on a cycle...well we should be on our third cycle by now and they ain't been back. We've got scallops on the inside channel down Muscle Ridges...they never were affected when our scallops turned blue and died. Those scallops on the inside channel never were affected and for some reason that's where we got a few scallops left. Our scallop beds outside are dead. They are died off. I'm opposed to this law completely...all of it...all parts.

#### **Arthur Alley**

Dougy is pretty much right on with his assessment. We've all fish through the same period where we had scallops in outer bottom. We watched them turn gray/blue...gone, and where they weren't gray was inside the perimeter that we call Two Bush Channel...and to this day that's the only place that there's any scallops. There's nothing outside where it was really there. So he's right on with that. But what I need to touch on is lines don't work. They had them a few years ago and they would open up a line and we'd all jump aboard our boats and go pound 1, 2, 3 lines that'd open inside out and it just congested boats into an area...75-100 boats pulverized an area to where right now they don't fish there today. So when they're done with that there's not even enough left for the local. The transient fishermen, of which I was one, I did the same thing...this is what you did. You went up and down scalloping...prolific up and down the Coast of Maine...some places better than others. We'd go to where these lines opened up and so you'd absolutely pulverize it. You've got guys fishing there that don't know really where the scallops are but its open...let's tow it. There's guys trying to catch lobsters there. A lot of places there was gear conflict. That didn't do any good because you had too many boats working...such an area that's just opened and it just didn't seem to work...it never did. I was part of the reason it got wiped out. I used to do it and if it went back to lines again and they opened us up in three years and there's 40, 50 boats in a mile and a half scallop bed, I'm going to be peeved and I'm going to be grabbing a sleeping bag aboard and go get somebody else's. It just breeds the wrong mentality of fishing, it crowds everybody up. An alternative I think would be lines like our zones...our lobster zone. Your local guys pretty much know where the beds are. They know the fishermen that are in that zone. You couldn't be transient among zones. You could maybe declare a zone. You're bound to that zone. You can't move out of it. If I was lobster fishing zone D, I could go down to Cobscook Bay, but I couldn't scallop this zone D. I don't know...just an idea to throw out there...keeps boats moving up in an area...disperses the fishermen

amongst the different zones and probably to make that work a little better would be even set up like a zone council inside of each scallop zone to where you could work, come up with your ideas and maybe mix and match one zone against the next to see what's working. To have some open right now and some closed doesn't do anybody any good. It's going to drive a lot of boats down Cobscook Bay. It's going to drive quite a lot of boats down Muscongus Bay where there's very limited places that's easy to tow. You've got people working there, ripping through some guy's [gear] down there...I've come across that and there's going to be a lot of hate and discontent. The lines didn't work before and I don't think they'll work again. Thank you.

#### **Jim Wotton, Friendship**

The season...December is not going to work for us, gear conflict. Point blank...lobster traps going to cause an awful...if you limit them to 52 days and some of them in December, some of them are going to have to go. There's going to be problems...January would be a lot more acceptable for most of us. I can't speak for everybody. I'm speaking for myself and some of the others I've talked to. The closed areas as proposed are way too big. You're going to shift effort into places where there's already too much effort...that there aren't scallops there to support it. The guys are going to have to go and they're going to have to go somewhere and they're going to have to go where it's open. Shifting, you're just pushing the problem down the coast or up the coast whichever. Your limited license is probably a good thing. Possession limits...200 pounds...not a big deal right now because nobody's getting it...maybe down the road it might be. Overfishing isn't a problem right now. There's plenty of spat. I've worked with Dana Morse. I can catch all kinds of spat but it doesn't live. Overfishing isn't the problem. I think we all know that. There's nothing to overfish. If there was, we wouldn't be sitting here. I don't see, you know, a lot of what you propose is addressed to draggers. In our area, divers are a big part of the problem. They get to areas we can't get to...shore water...little holes. I'd like to see if you're urchin diving you can't have scallops aboard. Because they're there you see 4 or 5 scallops in a whole they pick them up. Well, we can't get to them. They might be our [brood] stock. I'm opposed to most of what you've got down here. I think there's some good points and it's a good starting point, but I don't think we ought to go with it the way it is.

#### **Bob Baines**

I've fished for scallops for about 20 years. I got done 7-8 years ago just as the decline really started. I'm opposed to this rule as written. I think cutting days is probably a good idea because it treats everyone the same. The closed areas though are discriminatory. They're not based on any science. Someone just drew lines on the chart and said, we're going to close these areas. The guys who fish on West Penobscot Bay...you might just as well take their license away from them because with the price of fuel is they can't go riding around up and down the coast and it's not fair to them that some areas are open up and down the coast and all of Western Penobscot Coast is closed. I don't understand...maybe there's an explanation...I haven't heard it...why certain areas were closed as opposed to others. If areas need to be closed, it should be based on science and not just drawing lines on charts. That's pretty much my biggest argument is the closed areas. I don't think they were thought out correctly.

#### **David Paul, NUI Scuba Instructor**

To answer this guy's question about diving...I know probably 35 or 40 divers personally and most of us have a scallop license. The reality is most of us don't get out all that often and in 8 years I've been diving in Penobscot Bay I think I've taken a total of 4 gallons of scallops in 8 years time. There are some people that go out every week...they probably get a gallon every day or thereabouts, so there are some divers who get more. But I also know out of the 35 or 40 divers I know there's maybe 5 that actively scallop dive. The other thing I've noticed is that when I'm down there on the bottom and I see a dead zone that is 30 feet wide and 400 yards long and there's nothing...there's no lobsters, there's no scallops...there's nothing in that dead zone. The first time I saw it I was a new diver and I said, what the heck was that? Turned out it was a scallop dragger trail. That's what the scallop draggers leave on the bottom. Now, I know everyone's trying to make a living here guys, but tearing up the bottom is not, in my eyes, helping the industry. So, I'm opposed to the rules because I think the fishermen need to figure out how to make it work. You can't have somebody legislate how to make it work. That's what I'm saying to you guys. But I'm also saying that we've got to work together...maybe a scallop dragger and diver can work together and say, let's find an area where we can get the scallops and not damage the bottom too badly. I'd like to see divers aboard the boats that can go down and find the scallops for you guys and say, hey let's do this line and not tear up something over here...work together...that's my point.

#### **Maynard Curtis, Owl's Head**

I'm opposed to the law as most people are in it's entirety. The arbitrary closures that appear to be in place...again, as Bob mentioned not based on science. They appear random to us and so it's an undue hardship on particular areas in those closures. As they also mentioned, I don't think you're going to see a benefit from them because essentially we've had a 10-year closure in the mid-coast area now and we haven't seen a gain. I understand we need to do something. You think this is going to solve it, I think it's in doubt. The gentleman that just spoke...he just mentioned that the diver typically harvests 2-4 quarts. Under this law, as I understand it, they get the same 200-pound limit as a dragger, who typically catches between 100 and 1,000 pounds...and a dragger needs 200 pounds to make a day's pay. So, they're under the same law we are. They've got a free cart, you know, 200 pounds, they can't reach it. We're taking cuts, they're not. At the very least, that needs to be cut back to whatever their historical catch rates are. We need to look at our historical catch rates. The cutting days...I think that... the alternate days...the Monday, Wednesday, Friday and Saturday whatever it is...that's again targeting the part-time fishermen. The full-time fishermen can't take your business and set it up for 3 days a week for a 6-month period. You've got a crew to feed. You've got expenses to pay. You've got mortgages. You need to go get it done. You need to go do your fishery and move on. On that same token, if you're fishing 3 days a week over a 6-month period, you're disturbing that bottom for a 6-month period or 5-month...whatever the season is set at...rather than going in for a 1-month 40-day period and then leaving it 11 months undisturbed. That's all I have. Again, I think we do need to do something...need to keep an eye on it...probably cutting days and what not, but I think we need to come up with a fairer solution to all. I've fished Penobscot Bay and we haven't fished for 10 years and it looks like it's going to be another 3 years if this goes through. Thank you.

#### **Tom Thomas, Spruce Head**

I'm in a little bit different position than a lot of these guys. I work on deck...bought a boat to go scalloping this year. The day before I put my boat overboard...my first boat, not a lobster fisherman...been out there everyday for the last five years. Last year I

couldn't...had to go out of State. Something that hasn't been touched on choosing days in January, February and March in Maine we can go. Unless Mother Nature is here that is just ridiculous. If you're going to give us days...cut our days that's fine. Can we go tomorrow? I'd like to know. That's just a ridiculous law. Closing the areas isn't going to do anything. The scallop ring size might have an affect. But like everybody else has said closing an area is only going to put pressure on other areas. Even if there isn't no scallops there if that's the only scraping you've got, that's what you're going to have to do. There's a lot of people here that...I need...there isn't no question about it I'm going scalloping this year wherever it happens to be. That's unfortunate because the way it's been before if there ain't no scallops there, if it ain't looking so good you go look around, you travel. We were in Portland moving around. It's fishermen orientated. No fishermen want to drag on nothing. It's just...and to close these areas and like somebody else touched on...Bob...where's the laws? You didn't send us a copy of that of how you came up with this. It looks pretty random lines and they're huge areas and like somebody else's said, you just...I would have...from what I can understand it's quite a steam from my house to go catch lobsters...scallops if I'm going to do something like that...the fuel...I might as well just go out of State and be gone again this winter. A lot of these guys just don't want to do. We're trying to keep, especially in these times, we're trying to keep industry and stuff in this State and home-based. This whole thing just blew everybody's mind. It's ridiculous...the whole thing. That's all I've got to say about that.

#### **Mike Hutchins, Lincolnville**

I think it's great...no I don't. Going with a new ring size...4-inch...which our bottom is pretty hard...a 4-inch ring is a good size ring. That's what they use in federal waters and stuff but you get into our hard bottom enough shakes out of the drag anyway. We've been restricted there this year. We get onto closures and we've got these massive areas that anybody fishes on the west side of the bay, is essentially out of business. You've got to steam two hours to get to an open area. You find scallops you'd relocate to another harbor. You can't do that if the fishing's over on the islands. It puts us right out of business. The days...you tell me we can fish certain days in the middle of the winter with a small boat...it's ridiculous. You've got to work the weather...you got to work the lee's, the area where the wind is...where you got a sheltered area to fish. I mean that's what scalloping is about in the wintertime. It's tough enough now. We all had a fantastic lobster season and kind of looking forward to some little scallops. I just rigged up the last 2 years. There's only a few of us actively trying to find a scallop and there's not a lot around. To touch base on what's going on...there's something going on with our scallops out here. They're not being overfished. There's nobody out here to fish them. But the small spat is dying. You go in the upper part of Penobscot Bay and you get fresh dead shells. They're filter feeders. Well the stuff they're feeding on isn't there. Why, I don't know. I've got a lot of theories...we could talk about that all night long. The 200-pound limit...you get into a bed of scallops and you got to mow hay while the sun shines. Two hundred pounds now is a long reach but at times you'd have 200 pounds by noon time and keep on going. You need to do as much as you can in the short period of time you have. I'm not in favor of that either. And the other thing, I may offend a few people and it's not the people personally, back in the 70's you were allowed to dive for scallops except for home use. And, since that period of time, the scallop issue has gone downhill. You blame it on the draggers, be damned, we can't get all the scallops...never could, never be able to. But what we left was there for reproduction and there always used to be areas you could go back to year after year...hasn't been that way for years. It started when the divers showed up. When they go into an area after we leave and take what we can't get, and that's what you got...nothing. There are areas we used to fish and there's nothing there. I can't say it's all divers but they're taking stuff that shouldn't have been taken. Yes we roll the rocks over...just like cutting the trees up in the woods...new grass comes up...places they're going to come, are going to come. There's no easy answers...but these are not the answers. There's something else going on out here that we need some science to find out exactly what. I hate to criticize all this hard work but I've stood in on some of the SAC meetings and nothing against the council but you got one guy that's a drag fisherman and one guy that's a seafood dealer...a couple three divers, and a lot of the other people I don't think have ever been out on a boat. I've tried to get on that along with a couple people there...it just doesn't happen. We appointed another woman on the thing, which I think is fine, well and good, but the Belfast Harbormaster...I'm a harbormaster. We need people that maybe to break this down into individual zones like somebody said and let the people manage their areas like we do with lobsters. There's a lot more to this picture than just closures and rules and regulations. They're not going to work. Thank you.

#### **Travis Fogg, Spruce Head**

I think profit margins are very slim. Anybody that's still doing it knows that. Closed areas maybe good may not be good. If the State was closed nobody could go. If the closest area I could go out of would be Port Clyde. It's not going to cause any good feelings of anybody. I'm going to have to travel a lot. It's going to cost me a lot of extra gas to get down there. I'm going to have babysit my boat keeping it in another harbor. I live a half mile from the shore right now. I just don't think it's right to gang everybody up. There's always going to be a conflict among divers and draggers. It's like oil and water, you're never going to mix. I don't know how many divers are here tonight, but, I know there's a lot of draggers. I just think that working on the small margins we're already working on. Personally I'm going alone. I don't take a man. I usually go with Bob. Things used to be good then...made some money and spent it. But, we went on some hard days. Monday, Tuesday, Wednesday...it could blow 50; Thursday, Friday...could be flat calm; Saturday...could blow 50 again. We've got to think of our own safety as a factor into times when we go. A 4-inch ring limit would not be a bad idea. Arthur did it all last year...we pretty much stayed at the same poundage every day. He went a little bit harder than I did but it's kind of tough when you're not making any money to really want to get up and beat the crap out of everything you got per day...just to go make \$100. It's just seems like these rules are being proposed quite harshly upon us at a very quick rate. There's a month before the season opens basically. We're shutting us to 52 days. That's all right. It'll be hard to regulate as far as not having any type of tracking device, which is something that nobody can afford right now. Like say you make a log book...well I didn't fill it out for that day...who's going to keep track of me...local guys. I don't understand way all the closed areas were proposed. Like everybody else says, the reasons behind it...I don't know. There's a hundred different things I could say...we could have drag limits...we could have day limits. I guess it's got to be a lot more of it has to be discussed among the muck, the people that actually do it and then maybe we could put off these proposed laws for a while until somebody comes up with a real plan. Overfishing definitely isn't the problem. I watched them die along with everybody else but I don't know what we're going to do. It seems tough. I don't want to pay to go scalloping all winter. I know that. I don't have enough money for that. I guess that's about all I have to say.

#### **Glenn Libby, Port Clyde**

I've talked to you folks about this for a while now since this is being worked on. I supported some kind of a closed area but it was smaller than what's proposed now, something more selective that works with the tide that would allow the seed to come out into areas where you could work on it. I know we went up to Augusta a couple years ago, a bunch of us, and identified some areas that would probably work. That way they were close to the road. They could be monitored. They weren't huge like these are. They'd give everybody a chance to work and they were more the traditional seed areas where you know stuffs got a chance of growing instead of just huge blanket closures. Another thing I think really needs to be done...and I think it was in the proposal...but it's the stock enhancement, whatever kind of closed areas you had. If even they were smaller I think if you were aggressive about doing stock enhancement in those areas, then you'd answer the question whether it was a lack of biomass or some kind of predation going on. You'd at least have an experiment without putting so much hardship on people with these giant areas all at once. I think the 4-inch rings are a good idea. If you're going to have a 4-inch scallop you might as well have 4-inch rings. I know you're going to lose some but no sense bringing a little ones up anymore than you have to. I thought a 5 1/2-foot drag was alright. We used to make plenty of money with those years ago. That's about it with me. Thank you.

#### **Gary Hatch, Owls Head**

I'm opposed with everything going on with this because I did go to the meetings and saw how these lines were picked out. Number one, the areas are too big and not selective to any science whatsoever. They were more or less...well, this advisor lives here so close anywhere around me but not where I did. I was appalled by that. The other is, with the closures for the days again, you've heard and heard again, you just can't dictate what day we go. I live by the rule now and this [proposal] ain't it and it's like tonight's my night and it's blowing big seas where last night was beautiful. So, if we're going to go any style of limited days it should be just have a as I've proposed in my plan 3-month open and let them go in just those months and I believe that in those 3 months if you've got 52 days you'd be doing well anyway. That would clear up a lot of the problems that would be associated with this day here, day there scenario that is obviously not from anyone qualified to say anything about a fishery. As far as some of the other statements we've heard tonight, this is something that most everybody in this room is either seasoned or well-knowledgeable fishermen especially from the area but the majority of us have all moved up and down the coast. We knew what went on. As far as the overfishing, there isn't a problem. We need science. I've been saying for fifteen years and as advisor for the State of Maine National Marine Fisheries, I've how NMFS by a big mistake fell into something good with our closed areas and the effort controls on these closed areas and the good that we've done. I've proposed a plan...and anyone doesn't have one I'll gladly give you one...that works around that same thingy and probably in the long run at least it gives you a basis to work off of down the road. These here, with these closed areas, is already been presented is the minute they open everyone will go there and it will get beat to death and we've been down that road 15 years ago. As the boys have all said about closed areas, when the lines open up we'd all be there for opening day and in two days it'd be beat to death and that was the end of that. That's not credible and not realistic management that will forego the future...that's just minute fixes for mandate that we've been presented with and we're not meeting that I don't feel. I guess that's it.

#### **Gary Libby, Port Clyde**

I agree with quite a bit of the people who spoke tonight. The areas I think are a little bit too large. I think when we talked about closed areas or rolling closures or whatever it was more of an idea of a smaller area and giving people a little bit more time to work. Gary's idea of 3 months and just let you go at it...well he's right you will have about 50 days is the best you're going to do there. The 5 1/2-foot drags are five with me and the 4-inch rings are fine with me. I think if you do that I think you're going to go a long ways to getting to where you want to get as far as the overfishing part goes...if that's what's going on. But I do believe that we should have some science in there and figure out what's happening to the spat because there is some spat around and it doesn't grow up. That's where the interest probably should be focused instead on the fishermen themselves. Give them a season...give them some areas that they can work that reasonable size and close some small areas just to do some science and some spat work and see what really happens to it. Monitor it each day if that is what it takes. Thanks a lot.

#### **Robbie Gray, Deer Isle**

I'm a lobster/scallop fisherman. I spoke on the record in Ellsworth and I'm against it. I still am. From the Island we had brought signed petitions I'd like to present to you. I'm also a representative from the Stonington Fisheries Alliance. We got a bunch of scallopers together and neat thing that I've heard at this meeting and the Ellsworth meeting...zones. We can manage this business ourselves if you give us the chance. This is from the Stonington Fisheries Alliance. We oppose the proposed scallop regulations as proposed. The areas DMR has chosen to open and close will force fishermen to be more mobile than is necessary. The limited days in a week are highly dangerous for winter fishing in small boats. The severe limitation on length of season is too much for this year. The proposal should include a limit on the size of gear because that is part of sizing the fishery for recovery and sustainability. We propose an alternative set of rules that we believe will gain more support along the coast, prevent the scallop fishery from becoming a highly mobile fishery, achieve conservation that is comparable to what is proposed and will establish a strong basis for future conservation and management. Our proposal or recommendations...I don't know if it is so much a proposal continue the 4-inch rings, 200 pound limit as proposed by DMR, limit drags to 5 1/2 feet and possible tank limitations for or a compatible reduction to divers that reduces their divers by half because the draggers would be reducing half, create seven scallop management areas based on the same lines as the lobster zones. Fishermen are used to working in these areas and the lines, when they were negotiated originally, reflect community fishing patterns that go beyond just lobstering. All 2009 scallopers will chose one home scallop zone management area and will be entitled to fish in one other scallop management area to the east. Scallopers that choose the area comparable to Zone A will have limited rights to fish in Cobscook Bay. It is very important not to re-establish a highly mobile state waters scallop fishery and this proposal has the support of some of the few remaining federally licensed Maine scallopers. Fuel costs will continue to be high and with a 200-pound limit, long distance scalloping will not be feasible. Closing...close 1/4 of each scallop management area this year and keep it closed for 4 years. This would be done in consultation with the fishermen who opt into the area. Fishermen who fish a given area as scallopers as well as lobstering and in other fisheries, know the productive areas or areas where there is seed showing up. This suggestion, paired with the idea that there will be a limited number of scallopers able to fish the area (see 5.) make it possible to create effective closures that will be, to a certain extent, self-enforced. The areas can still be large, recognizing that this is the preference of Marine Patrol to make closures enforceable. The season should run from December 1<sup>st</sup> through March 31<sup>st</sup>. With a winter, small-boat fishery is not safe to regulate with limited days.

**Wallace Gray**

I agree with my brother, Robbie, so I really don't have much to add to it. What I would like to add is what I've seen with management between the federal and the state. Are you guys going to be here 2 years down the line, 4 years down the line? Are we going to do this again? Every time somebody change hands, somebody gets a new idea we get the reciprocal end of it. We had a good fisheries that was fought for in '94 with the general category and it has been given away by this administration in the State of Maine. It's completely...it's gone. There's nothing left. There isn't ten of us probably left in the State of Maine. So my point is...is this all wasted effort on us? You just going to put it to us and we're going to have to turn around, 2, 3 years, 5 years new group comes in...we're going to have to do this again? Are we wasting our breath? Is this going to just keep a vicious circle...us against you? Or is this something we've got to establish that? We feel that we're going to be working and we're not going to be short changed 10 years from now. I'm going to be here. I'm going to be fishing...are you? That's what I'm wondering. Thank you.

**Mark Asplundt, Tenants Harbor**

I'm a diver. I've been diving since 1979. I know a little bit about what I'm talking about. You guys want to whack me back to 52 days. You don't take into consideration Mother Nature's effect on what...if I can't see them I can't catch them. In those 52 days if I get 10 days where visibility is suitable to work I was lucky. I've been doing it for almost 30 years. I hate to see if taken away from me abruptly like this. It's hard enough to make a living as it is. I'm not here to point fingers at a dragger or a diver or anybody else. We all need to make a living. But the 52 days is too drastic...way too drastic. I can agree with the majority of all everything else that was said about the zones, the closed areas are too big. My biggest gripe all goes back to the 52 days. I won't get 10 or 12 days out of it if I'm lucky...stuck in Port Clyde or to the west which isn't any fun. Thank you.

**Kendall Smith, Lincolnville**

I've been doing this all my life and I've grown up in the fishing industry and the closed areas has been said tonight doesn't work. I grew up in the Swans Island area and I know exactly what that is. It's just...when you see 50 boats waiting there at daylight when that opens up it's just unbelievable. You're just going to devastate an area off anyhow. Scallops started dying off several years ago...disease. I don't know what it is. They turn blue/gray...started Downeast. My brother was towing Duck Island, Bass Harbor and it was happening several years ago 10/15 years ago. It's worked this way. You can go up the Bay, I know no effort, I know up in the Bay for 25 years and there's not a scallop up here. There's been no fishing up in that Bay. Closing it is not going to help it. You've got to find out why the spat's dying. We've got spat on our traps every year coming down from the Bay...they don't live. You don't see them. I never seen a scallop any smaller than that out in the Bay that I've caught in the trap once in a while. Of course I don't know what divers see, if they see anything smaller along the shoreline or not, but I never seen them. A friend of mine who doesn't drag anymore but he went up in the bag and dragged a net. He came up full of spat...just like this. Next year he went back and it was dead...sent it to the University of Maine and they never did tell him what it died of. This was years ago. So something is killing the scallops...the disease. As far as any rules and regulations I don't agree with it. Fishermen are being regulated right out of the industry. You can't get a license to go ground fishing anymore. You can't get a license to go scallop past the 3-mile limit or inside the 3-mile limit anymore. Any type of fishing being closed to small boat fishery should not be. People who live on this coastline depend on these waters out here and when you close them down you're sticking into one job and shutting them down altogether. Right now I'm stuck with lobstering up in the bay, scalloping up in the bay my boat's not fast or big enough to go anywhere and you close that down. That puts me out completely. You can't go ground fishing. You can't go long lining. You can't go seining. There's nothing you can do anymore. Every time you turn around somebody wants to shut it down and close it period. The only people who own any licenses are the big business or people that afford to buy them up and it puts all these small boat fisheries out of business...the 35-40 footers...depend on these waters out here or out of it...even the fisheries that the bigger boat fishing offshore. You still can't go up inside. There's not much more I can add to what people said here. I agree with everything they've said. As far as rules and regulations being put on the business, you should let the people that fish these areas form their own groups and see what they can do about it. I don't want to hurt anyone's feelings but as far as I can see the State and the Federal government can't do it. Any business they've got into it's gone downhill. Look at lobstering now, what's going on with lobstering now? They've regulated it and thought they did a good job...where are the lobsters? There's more licenses...more [effort now] than I ever did see when I grew up when I was a kid. They just put more licenses in the water...traps them water...didn't help anything out. You're going to do the same thing with scalloping. You're going to put these guys into areas and they're going to go into someone else's back way and they're going to take their living away from them when they can make it in their own back dooryard. Why do it? I just don't agree with any of the rules and regulations that's been putting on it all. Thank you.

**Maynard Curtis, Owls Head, cont**

I guess I would just ask [for it to] be fair across the board and not to pick on any particular group whether it be divers/draggers or location, race or whatever you want to pick that it's fair across the board...that you look at the history of what went on and that everybody makes a sacrifice to help this cause out.

**Arthur Alley cont**

Just to touch back on latitude of lines did not work 25 years ago...grouped everybody up. The state has gone through so much hard work already to set up these zone lines that we use for lobstering. I said we some of lobster scallopers other guys just wait for scallopers...might not be so fair to them but I'm convinced that longitude line as opposed to latitude would work...stick in your zones, keeps the boats from grouping up. The guys know the lobster fishermen that work there. It's essentially the right amount of bottom for each zone to support fishermen to go out from there not away from there. I think it's probably the best route to go.

**Wallace Gray cont**

Did anyone contact the Coast Guard when you were making up these lines on people transit the State of Maine to get into another area to fish...what their safety concerns would be to small boats in Maine in the wintertime? To transit from the other side of Port Clyde to go east to get into the next area...that's a long steam. Did anyone consider the safety issues by contacting the Coast Guard to see what their response? You're asking all the guys with small boats...you're going to limit them to days so they've got to go. You start

getting these boats out there...icy conditions...has anyone taking the safety of us in concern with these regulations? That's more or less my question about this?

[Togue Brawn: We did not speak with the Coast Guard about this. In terms of enforcement we spoke with Marine Patrol. We did not contact the Coast Guard.]

Wallace Gray: That's another because you're putting people's lives at risk. You've got to remember a small boat...icing conditions in the State of Maine, steaming 30 miles, get caught in a gale of wind...somebody will die. Are these rules worth what we're doing? You guys are not fishermen. You haven't been out there. I've been out in the water all my life. I was growing up like most of these people here I was this high on a boat. There's a lot of issues you didn't address when you concerned this. The lines going the other way and getting the fishermen and lobstermen together to set down and do an area that...people that knows the areas can pick out a closed area in their own area that's compatible with that area. They can make out like western Maine might not want December start...maybe they lobster longer. But the guys that are lobstering mostly going to scalloping too so they could have their...well, let's go January down this end of the state. There's a lot of things to consider before you implement stuff like this and the risk peoples lives in your decision could be in the balance. Thank you.