

DMR Advisory Council Meeting
Department of Marine Resources
32 Blossom Lane, Augusta - Marquardt Building – Conference Room #118
November 8, 2018

A meeting of the Department of Marine Resources' (DMR) Advisory Council (AC) was held on November 8, 2018 at the Marquardt Building, 32 Blossom Lane, Augusta, Maine. Council members who attended were Matt Moretti, Mike Murphy, Togue Brawn, Ron Trundy, Joe Nickerson, Dan Rogde, Josh Miller and Ray Swenton. Department staff in attendance included Commissioner Patrick Keliher, Colonel Jon Cornish, Deirdre Gilbert, Melissa Smith and Amanda Ellis. Others present were: Zach Whitener (GMRI), Phoebe Jekielek (Hurricane Island), and Steve Lawrence (Palmer Federal)

DMR Advisory Council members not present: Thomas Casamassa, Geoffrey Smith, Chris Weiner, Peter Mourmouras, Mike Love, and Fiona DeKoning.

1. Welcome and Introductions

Introductions were made around the table.

2. Approval of Minutes – August 14, 2018 Meeting Minutes

Motion: (R. Swenton and M. Moretti) Motion to approve the August 14, 2018 meeting minutes.
Motion unanimously passed to approve the August 14, 2018 meeting minutes.

3. Special License Renewals-Action (voting)

- Renewal, Gulf of Maine Research Institute (Zach Whitener)

Zach Whitener presented the GMRI Special License renewal request for their multiple projects in Casco Bay, including the collection of striped bass heads for otoliths to generate demographic information, a beach seine survey, blue mussel survey, acoustic survey, and plankton monitoring inside and outside Portland harbor.

Motion: (M. Moretti and J. Miller) Motion to approve the renewal of the Gulf of Maine Research Institute (GMRI) Special License.
Motion unanimously passed to approve the renewal of the GMRI Special License.

- Renewal, Hurricane Island (Phoebe Jekielek)

P. Jekielek presented the request for renewal for the Hurricane Island Special License for scallop research. M. Moretti asked for clarification regarding whether the spat collection work would be coming off this Special License with the creation of the Spat Collection license. It was confirmed that it would, but the Special License is still needed for other aspects of their work.

Motion: (R. Swenton and M. Murphy) Motion to approve the renewal of the Hurricane Island Special License.

Motion unanimously passed to approve the renewal of the Hurricane Island Special License.

- Renewal, Palmer Federal (Steve Lawrence)

Steve Lawrence presented the request for the renewal of the Palmer Federal Construction Special License to provide lobster mitigation services for dredging projects around the Portsmouth Naval Shipyard. The lobsters are trapped, information is recorded, and they are moved. R. Swenton asked what happens to the information and S. Lawrence explained it is provided to DMR.

Motion: (M. Murphy and J. Miller) Motion to approve the renewal of the Palmer Federal Construction Special License.

Motion unanimously passed to approve the renewal of the Palmer Federal Construction Special License.

- Renewal, Wells Reserve

No one from Wells Reserve could be present, so renewal was postponed to the next DMR AC meeting.

4. Regulations-Action (voting)

- Chapter 10.05-Taking of Quahogs in the Sub-Tidal Waters of the New Meadows River (Deirdre Gilbert)

The regulation proposed for adoption expands certain existing limitations on the subtidal harvest of quahogs in the New Meadows River. Under the existing regulation, the line north of which the harvest restrictions apply is the Bath/State Road in Brunswick and West Bath. The regulation proposed for adoption draws a new line north of which the limitations apply, from the northwestern tip of Indian Point, southeasterly to northern tip of Bragdon Island, continuing east to Bragdon Rock, and then continuing in a northeasterly direction to the point of land at the end of Close Reach Rd, West Bath, 430 51'21"/0690 52'1". By specifying this new line, the existing restriction on the method of harvest to hand digging only, the prohibition on harvesting during the winter months (January-March), and the prohibition on harvesting on Sundays, would extend over the known subtidal quahog resource, in order to better manage the quahog fishery in this area. The rule sunsets the expanded limitations on December 31, 2020. The Department will conduct surveys to determine whether the rule should be continued beyond that date.

Motion: (J. Miller and R. Swenton) Motion to approve the Chapter 10 rule-making as presented.
Motion unanimously passed to approve the Chapter 10 rule-making as presented.

- Chapter 11-2018-19 Scallop Season (Melissa Smith)

This regulation proposed for adoption establishes the 2018-2019 scallop fishing season. As in the 2017-2018 season, there is a daily possession limit of 15 gallons for Zone 1 and Zone 2, and a daily possession limit of 10 gallons for Zone 3. For Zone 1, a 60-day season for draggers begins on December 10, 2018 and the last day of the season is March 28, 2019. For Zone 1, a 60-day season for divers starts on November 20, 2018 and the last day of the season is April 20, 2019. For Zone 2, a 70-day season for draggers starts on December 3, 2018 and the last day of the season is March 28, 2019. For Zone 2, a 70-day season for divers starts on December 1, 2018 and the last day of the season is April 13, 2019. For Zone 3, a 50-day season for draggers begins on December 3, 2018 and the last day of the season is March 27, 2019. For Zone 3, a 50-day season for divers begins on December 1, 2018 and the last day of the season is March 28, 2019.

In Zone 1, Casco Bay, Sheepscot River, Damariscotta River, Muscle Ridge, and W. Penobscot Bay Areas, as well as Whiting/Dennys Bays in Zone 3 are Limited Access Areas with reduced harvesting days. In Zone 2, territorial waters surrounding Machias Seal Island and North Rock are open to harvest all days during January 2019, in addition to open Zone 2 calendar days throughout the season.

DMR is proposing maintaining the following targeted closures based on depletion, high concentrations of seed/sublegal scallops and/or the presence of spat-producing scallops: Lower Muscle Ridge, Eastern Casco Bay, Upper Sheepscot River, New Meadows River, Card Cove and Beals-Jonesport Bridge.

This regulation proposed for adoption removes the sunset provision that capped the vessel limit of dive harvested scallops to 30 gallons when two or more licensed scallop divers are utilizing the same platform. Finally, this rule removes the specific drag size gear restrictions in the Kittery area (currently 5'6"), Swan's Island Conservation area (currently 8'6"), and Gouldsboro Bay (currently 4'6"). Harvesters will be authorized to utilize any drag size, provided it does not exceed the State maximum of 10' 6."

T. Brawn asked if the drag size restrictions in Blue Hill Bay and Cobscook Bay remain. They will, as they are specified in law and cannot be changed in regulation. J. Miller asked if the change in the limit means that divers can have multiple limits with multiple license holders, but draggers cannot. M. Smith explained that would be case. Divers are encouraged to go together for safety reasons.

Motion: (M. Murphy and D. Rogde) Motion to approve the Chapter 11 rule-making as presented.

Motion unanimously passed to approve the Chapter 11 rule-making as presented.

- Chapter 37-Freshwater Fish Regulations (Amanda Ellis)

This regulation proposed for adoption makes it unlawful to take or possess brown trout which are greater than 25 inches in total length, from the coastal waters of the State of Maine. The rule mirrors the 25” maximum for brown trout as established by the Maine Department of Inland Fisheries and Wildlife. The intent of the rule is to provide brown trout fishermen with a consistent maximum size across waterbodies.

Motion: (M. Murphy and J. Miller) Motion to approve the Chapter 37 rule-making as presented.

Motion unanimously passed to approve the Chapter 37 rule-making as presented.

- Chapter 91-Scallop Spat (Deirdre Gilbert)

This regulation proposed for adoption creates a new chapter for the collection of scallop spat under the spat collection license (12 MRS 6074-A). The rules create a maximum size for the possession and sale of scallop spat of 2 inches. It limits a license holder to no more than 15 vertical lines, with a maximum of 30 spat collection bags per line. The rule limits the size of bags that may be used, and specifies marking requirements. It requires that all collection equipment is removed from the coastal waters during the month of July, and specifies the records a license holder must retain.

Motion: (R. Swenton and D. Rogde) Motion to approve the Chapter 91 rule-making as presented.

Motion unanimously passed to approve the Chapter 91 rule-making as presented.

- Chapter 110-Marine Harvesting Demonstration License (Amanda Ellis)

Pursuant to 12 MRS §6810-A(7-A) Marine Harvesting Demonstration License holders are exempt from prohibitions on raising and hauling lobster traps during closed periods as specified in 12 MRS §6440 subsection 2. This regulation proposed for adoption removes language from the existing regulation, which did not recognize the exemption provided for in statute. This is a minor technical change intended to provide consistency between relevant statutory provisions and the regulation.

Motion: (J. Miller and R. Swenton) Motion to approve the Chapter 110 rule-making as presented.

Motion unanimously passed to approve the Chapter 110 rule-making as presented.

5. Upcoming regulations

DMR staff presented regulations that will be upcoming, including

- Chapter 2-AQ Leasing Regulations (Amanda Ellis)
- Chapter 36-Herring (Melissa Smith)
- Chapter 41-Menhaden (Melissa Smith)

- Chapter 8-Landings Cleanup (Deirdre Gilbert)
- Chapter 32-2019 Elver Season (Deirdre Gilbert)
- Chapter 42-Striped Bass (Deirdre Gilbert)

M. Moretti requested that the Aquaculture Advisory Council be consulted on the Chapter 2 changes.

6. Other Business

- The Council needs to nominate a Chair and Vice Chair for election in 2019 (Amanda Ellis)

The nominations are T. Brawn for Chair, G. Smith for Vice-Chair and M. Moretti for Secretary.

Motion: (T. Brawn and J. Miller) Motion to approve slate of officers as presented.

Motion unanimously passed to approve the slate of officers as presented.

- Patrol Update (Col. Jon Cornish)

J. Cornish told the Council there are currently 2 officers in the Academy. When they finish, there will be only 2 vacancies in Patrol. The Moxie has been built and deployed in Stonington. There is a new Homeland Security boat in Portland. The 46 foot Wesmac is expected to be completed in December and will go to Southwest Harbor. The Dirigo has gone to South Portland.

- DMR Updates on Federal Issues (Commissioner Keliher)

Commissioner Keliher briefed the Council on the ASMFC annual meeting in New York City. Lobster and herring were the main topics. There are three working groups on lobster: whales, bait safety, and Area 3 enforcement. For Right whales, NOAA Fisheries is working on the biological opinion that should be released in the late summer/early fall, and is likely to show the species is in jeopardy. Under the Endangered Species Act this will require draconian measures, such as closures (DAMS). For bait, due to the herring cuts, it is expected that there will be a 50 million lb bait deficit next season. Maine is only state with bait safety rules, so a Working Group was created for other states to work on developing similar systems. For Area 3, states would like to see more active enforcement. They are trying to have a 70 ft boat built and become a shared resource between the northeast states. This will require figuring out how it could be staffed.

The Council adjourned at 3:00 pm.