



STATE OF MAINE
DEPARTMENT OF MARINE RESOURCES
21 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0021

PATRICK C. KELIHER
COMMISSIONER

DMR Advisory Council Meeting
April 20, 2021
4:00 p.m.
Meeting held remotely via Microsoft Teams

A meeting of the Department of Marine Resources (DMR) Advisory Council (AC) was held remotely, via Microsoft Teams, on April 20, 2021. The meeting was called, so that DMR AC members could consider and vote on the 2021 menhaden harvest rules. Council members who attended were Matt Moretti, Ron Trundy, Mike Murphy, Togue Brawn, Geoff Smith, Josh Miller, Tracey Sawtelle, and Chris Weiner. DMR staff in attendance were Commissioner Patrick Keliher, Deirdre Gilbert, Melissa Smith, Lieutenant Daniel White, and Amanda Ellis. Others present that introduced themselves were Robert Begin.¹

1) Welcome and Introductions

Introductions were made at the beginning of the meeting.

2) Chapter 41-2021 Menhaden Harvest Rules

M. Smith explained that this rulemaking establishes the effort restrictions for the commercial menhaden fishery management program for FY2021. The State Allocation fishery opens Monday, June 14, 2021 at 12:01 AM with harvest days on Mondays, Tuesdays, Thursdays and Fridays. Vessel weekly limit is set at 23,800 pounds (68 barrels). The Episodic Event fishery will operate on Tuesdays and Fridays with a weekly vessel limit of 14,000 pounds (40 barrels). The Incidental and Small-Scale fishery will operate on Mondays, Wednesdays and Fridays with a daily vessel limit of 6,000 pounds. Transfers at sea of menhaden to either a harvester or carrier vessels are prohibited during the State Allocation, Episodic Event and Small-Scale fisheries. During all three fishery phases, menhaden must immediately be stored in barrels, crates or fish totes, or a combination thereof, upon harvest and remain stored either on the harvester vessel and the dory towed by the harvester vessel, if utilized for all gear types. Menhaden cannot be transferred to another vessel while at sea. Menhaden cannot be received from another vessel while at sea. Same day reporting is required by commercial menhaden harvesters during the state allocation and episodic event fisheries. The noncommercial menhaden fishery daily limit has been amended from 1,000 pounds to 1,050 pounds to reflect the amount landed in three barrels.

M. Smith then noted that in consideration of feedback received, DMR made the following changes to the initial rule proposal, which are captured in the final rule:

- Proposed language on the prohibition of transferring nets at sea has been removed;
- Proposed language related to tender vessel length has been removed and clarity on harvester vessel's activity has been added;

¹ Notice of this meeting was posted to DMR's website and was sent to subscribers of DMR notices related to rules and hearings. The notices included information on how to access the remote meeting. Additional persons participated in the remote meeting but chose not to introduce/identify themselves.

- Definition of carrier vessel has been removed and clarity on no transfer of fish at sea has been added;
- Harvest days for state allocation fishery changed from the proposed Mondays, Wednesdays, Thursdays, Saturdays to the same schedule as FY2020 of Mondays, Tuesdays, Thursdays, Fridays;
- Harvest days for the episodic fishery changed from the proposed Wednesdays, Saturdays to Tuesdays, Fridays;
- Harvest days for the small-scale fishery changed from the proposed Mondays, Wednesdays, Saturdays to Mondays, Wednesdays, Fridays; and,
- Recreational fishing does not specify a method of take except as limited in statute.

G. Smith asked for an explanation of the Department's original rationale for having boat length limits on tenders and the prohibition on the transfer of nets at sea, both of which were removed as a result of public comment. M. Smith explained that there has been a prohibition on carriers in recent seasons associated with the small-scale fishery and having fish onboard without a net would essentially make a vessel appear to be a carrier, thus, out of compliance. The final rule strikes all references to carriers. Ultimately, DMR did not want to overly complicate the practices that fishermen have developed with regard to multiple vessels using a single net. With regard to limiting tender vessel size, the Department removed the proposed length limit, but provided a definition of "set" and clarified that only the vessel from which the net was removed may take fish from the set.

C. Weiner expressed surprise at the reduction in the daily and weekly landing limits proposed by the rule and the direct impact it would have on large purse seining operations in the State. He was concerned that perhaps people did not realize this was taking place. M. Smith explained there was a well-attended meeting (100+ participants) in early February, and that industry members are generally aware that the quota reductions required by ASMFC and the increasing participation in the fishery has meant that each individual participant will have less opportunity. Additionally, she stated that harvest vessel size restrictions (LOA <50') have been in regulation for several seasons and the overlap between larger menhaden operations and federal herring harvester operations is minimal. Also noted, was that the harvesting of menhaden in federal waters still fall under the regulations set for Maine's state waters fishery. Lower limits are the only way DMR can ensure that Maine does not exceed its quota allocation. DMR had advanced legislation that would allow for improved management of access to licenses, but it was not supported in the legislative process.

Motion (T. Sawtelle; G. Smith): Motion to approve Chapter 41, 2021 menhaden season
Motion passed to approve the Chapter 41, 2021 menhaden season.

3) Updates

Commissioner Keliher thanked DMR AC members, whose terms were ending for their service. Commissioner Keliher also provided a brief update on DMR's other rulemaking activity during winter 2021.

Motion (T. Brawn; R. Trundy): Motion to adjourn the meeting.
Motion passed to adjourn the meeting at 4:57 p.m.