

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



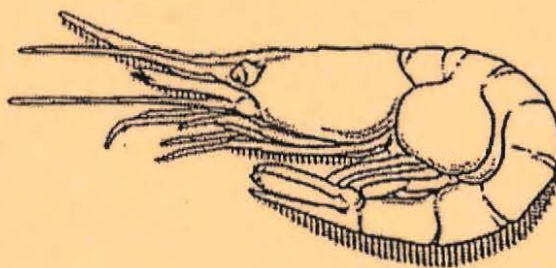
Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

L.U.O.

A Report from the Task Force to Study Limited Entry
in the Maine Shrimp Fishery

presented to

The 119th Legislature's Joint Standing Committee
on Marine Resources



KF
1772.25
.Z99
M23
2000

Pursuant to Public Law 1999, Chapter 69

January 18, 2000

A Report from the Task Force to Study Limited Entry
in the Maine Shrimp Fishery

presented to

The 119th Legislature's Joint Standing Committee
on Marine Resources

Pursuant to Public Law 1999, Chapter 69

January 18, 2000

CONTENTS

INTRODUCTION	1
A BRIEF OVERVIEW OF SHRIMP MANAGEMENT	1
DISCUSSION	2
CONCLUSION	4
RECOMMENDATIONS	5
APPENDICES	
1. List of Task Force Members	7
2. Draft Limited Entry Proposal	8
3. Public Meetings on Draft Proposal	
a. October 18, 1999 – Portland	11
b. October 21, 1999 – Rockland	15
c. October 25, 1999 – Ellsworth	17
d. October 26, 1999 – West Boothbay Harbor	31
4. Meeting Minutes	
a. July 6, 1999	34
b. July 23, 1999	38
c. August 16, 1999	47
d. September 14, 1999	50
e. September 29, 1999	54
f. December 7, 1999	58
g. January 11, 2000 (draft)	63
5. Public Law 1999, Chapter 69	66

INTRODUCTION

Management of the shrimp fishery has been a very intensive process ever since a major collapse in the fishery in the 1970's. Landings in the fishery have been volatile. The current level of resource is at a low point. This low abundance and concerns about significant effort being shifted into the shrimp fishery from other fisheries, e.g. groundfish, have prompted interest in limiting effort in the shrimp fishery. Interstate management of the fishery is the responsibility of the Atlantic States Marine Fisheries Commission (ASMFC). That body established the Northern Shrimp Section which is comprised of the ASMFC Commissioners from Maine, New Hampshire and Massachusetts.

In other fisheries we are also seeing stressed resources. The result has been that access to several fisheries has been severely restricted. Fishermen, whose access is either denied to those fisheries or restricted, seek opportunity in any fishery that has some manner of access still available. In this context, and with the understanding that the shrimp fishery is highly volatile, it is appropriate to look at all forms of management, including limited entry.

As the ASMFC Northern Shrimp Section considers further management strategies, effort or the capacity to fish becomes increasingly important. In order to establish what that effort is, participants must be identified. During the first session of the 119th Legislature, the Marine Resources Committee passed a bill to establish a commercial shrimp permit. This legislation established a shrimp permit that, in addition to the commercial fishing license, must be held by an individual to fish for shrimp. The new law also requires permit holders to fill out logbooks in order to gain a better understanding of the fishery and assess what management measures to take to assure sustainability. Fundamentally, this legislation establishes the basis for supporting management of the fishery into the next century.

The Legislature also established a Task Force in 1999 to look at the prospect of imposing a limited entry program on the shrimp fishery. Many individuals within the shrimp industry have been discussing the option of limited entry as other fisheries have become more restrictive. The Task Force met seven times between July 1999 and January 2000. There were also four public meetings held along the coast in October 1999. This is the final report of the Task Force and is submitted to Joint Standing Committee on Marine Resources.

A BRIEF OVERVIEW OF SHRIMP MANAGEMENT

The Atlantic States Marine Fisheries Commission, Northern Shrimp Section, manages the shrimp fishery in the Gulf of Maine. There are three members from each state who participate in the Shrimp Section meetings. Senator Jill Goldthwait, Commissioner George Lapointe and Pat White represent Maine on the Northern Shrimp Section. Senator Goldthwait is chair of the Section.

The first discussions of interstate shrimp fishery management started in the mid 1970's. By 1986, a final Shrimp Fisheries Management Plan was established by ASMFC. The Plan manages the shrimp resource based on "optimum yield". Annual biological assessments along

with economic considerations are taken into account to establish the annual catch. The Technical Committee, made up of regional fisheries scientists, recommends catch limits to the Shrimp Section based on their annual stock assessment. Every fall the Shrimp Section votes on catch limits and open days for fishing based on the recommendations from the Technical Committee and recommendations from an Industry Advisory Panel.

The Maine shrimp fishery is in compliance with the provisions of the ASMFC Shrimp Management Plan. In addition, a commercial shrimp permit has been established for Maine fishermen. The new shrimp permit will provide a more accurate picture of the number of individuals in the fishery and will also provide useful data by requiring permit holders to maintain a logbook. The Department of Marine Resources has adopted rules to specify the shrimp logbook requirements (DMR Regulations Chapter 45.24).

DISCUSSION

Under Public Law 1999, Chapter 69 the Department of Marine Resources (DMR) was instructed to establish a task force to “*study whether access to the Gulf of Maine shrimp fishery should be limited for the purpose of conserving the shrimp resource.*” The Task Force met over the course of six months to comply with the Legislature’s request. There were seven industry representatives on the Task Force and a scientist from the DMR with expertise in the shrimp fishery. Proctor Wells served as Chair. The minutes from the meetings and a list of Task Force members may be found in the appendix of this report.

The Task Force discussed several reasons why limited entry should be considered for Maine’s shrimp fishery. The primary reason established was to protect and conserve the resource from an influx of effort (through participants) as other fisheries become further restricted. Limiting entry by itself will not conserve the shrimp resource. However controlling entry will aid in conservation by allowing managers to have a fixed number of participants as they assess and use other management options.

The shrimp fishery is a very volatile fishery and its success from year to year depends largely on environmental conditions. The size of the shrimp resource varies a great deal, depending on the successful survival of larvae. Larval survival is in turn controlled by sunlight and water temperature. The year class survival is the key signal used by scientists to predict for a particular annual shrimp stock. At the same time, there is also some parent/progeny relationship so that a strong adult year class is more likely to spawn a strong year class. This relationship is linked to water temperature. It is unclear which factor is more controlling – the parent/progeny relationship or the environmental conditions. It is clear, however, that the environment has a strong impact on how many larvae survive. If there is a good year class predicted, it may be prudent to slow down the rate of fishing to try to take advantage of the good year class over a three year period. If there is a series of years which are not strong, then a limited entry plan could help with conservation by restricting the number of participants. If effort could be limited during the years where females needed to survive this would help conserve the resource at critical times. A lower biological limit could be established that, when reached, would trigger a limited entry system.

A limited entry system can also be justified from an economic and historical fishing point of view. In this case, one of the goals is to allow an identified number of boats that have been in the fishery to make a reasonable living each year. Members of the shrimp fishery are fearful that because the economic choice to fish for shrimp is not regulated, if other fisheries decline or face more severe restrictions, then harvesters will opt to go shrimp fishing even in bad times when the resource cannot withstand the additional effort. Historically, the cost of gearing up to go shrimp fishing has served as a disincentive, keeping people out in low stock years because the benefits do not outweigh the costs. Using this rationale, limiting entry is a step to safeguard the fishery from more participants in years when the catch is down and therefore will aid in conservation goals.

The Task Force discussed various ways in which entry could be limited in the shrimp fishery, ranging from a point system based on landings and years in the fishery to a cap at 1999 levels. They agreed the most liberal approach would be to devise criteria that would include the greatest number of historical participants in the shrimp fishery. There was a peak in the number of participants between 1995 and 1996. Four hundred seventy-seven individuals checked off that they fished for shrimp in 1995. Therefore, the Task Force decided to go back to the 1994 fishing year to capture a large number of individuals. This was also the year in which federal logbooks were implemented.

The Task Force also acknowledged that the trap fishery and the drag fishery have separate characteristics and therefore should be treated as separate categories. This distinction, however, should be for future entry into the fishery and not effect how harvesters are currently fishing. By 2002, therefore, levels of effort in terms of number of licenses by gear type should be established.

The Task Force worked through several draft proposals to establish limited entry criteria. The final draft proposal suggested setting qualifying criteria for a 2001 shrimp license based on possession of a Maine commercial fishing license in any one of the years between January 1, 1994 to May 24, 1999; and landing 10,000 pounds in any one year from January 1, 1994 to May 24, 1999 for a Shrimp Drag License; or landing 5,000 pounds in any one year from January 1, 1994 to May 24, 1999 for a Shrimp Trap License. A boat license was also recommended. See the appendix for the full draft proposal.

The Draft Shrimp Limited Entry proposal and a meeting notice was sent to all holders of a 1998 commercial fishing license. Four informational meetings were held in October on the draft limited entry proposal. The meetings were held in Portland, Rockland, Boothbay and Ellsworth and were attended by Commissioner Lapointe and several Task Force members. The Portland fishermen showed the greatest support for limited entry, but there was concern about the boat license suggestion in the draft document. Rockland's meeting focused on discussions about landing criteria and the need to account for people who are intermittently in the fishery. In Ellsworth there was no support for either limited entry or a boat license. The Stonington Fisheries Alliance came forward with an alternative proposal to control access. Boothbay shrimp harvesters were concerned with the proposed boat license and didn't support limited entry in

general. Concerns were also raised about the effect of requiring landing history on the small boat fishermen. The public comments generally fell into one of the following:

- Questions about how Maine's limited entry plan would fit in with ASMFC process.
- Concerns about creating a shrimp boat license proposal instead of an individual.
- Questions about how future entry into the fishery will be determined.
- Concerns about access for the eastern half of the state when the fishery recovers.
- Desire to provide a way for people to get in during the winter months to keep flexibility.
- Concerns about using landing data as a criterion for entry.

The Stonington Fisheries Alliance suggested an alternative proposal to control effort. The full proposal can be found in the appendix following the minutes of the Ellsworth informational meeting.

After much discussion, the Task Force determined that a boat license should not be pursued. There was not unanimous agreement on this point. The Task Force also conceded that the landing criteria may exclude genuine participants from the fishery, especially small boats from the eastern part of the state where there is less central distribution of product. Therefore, the landing criterion was deleted.

Although there were many concerns about establishing how new entrants may come into the fishery in the future, among both the general public and Task Force members, designing a controlled entry program is a complicated endeavor and the Task Force felt there was not enough time to give it careful consideration. The shrimp resource is in a current low point. The cap established by the proposed qualification criteria for 2001 may allow more people to be eligible for a shrimp license than predicted 1999 effort levels. Current predictions by Dan Schick at the Department of Marine Resources are that the shrimp resource will take between three to four years to rebound. The Task Force determined that new entrants should not be permitted until the year 2004 which is the first possibility for improvement in the stock.

CONCLUSION

Limiting entry into the Gulf of Maine shrimp fishery could aid in the overall conservation of the resource by limiting participants. However, the limited entry plan needs to be flexible to accommodate different fishing styles in different areas of the coast and to respond to the volatile nature of the shrimp resource. The Task Force has outlined criteria to place a cap on the number of participants who would be eligible for a 2001 shrimp permit. Additional work needs to be done to devise an appropriate method of allowing new entrants into the fishery as the resource recovers from its current low point.

TASK FORCE RECOMMENDATIONS

What are the concerns we are trying to address?

The shrimp fishery is one of the last fisheries without entry controls; therefore the potential for escalation on effort is high. The problem we are trying to address is to avoid potential influx beyond historical participation.

What is the goal of limiting entry?

To aid in maintaining and protecting fishing communities by allowing an identified number of boats that have historically been in the shrimp fishery to make a reasonable living recognizing the biological volatility.

What are the objectives of this limited entry system?

- Cap effort at the current level.
- Create a more manageable shrimp fishery by determining number of participants.
- Create more stability and less volatility in the shrimp fishery.
- Preserve remaining Maine commercial shrimp fleet.
- Enhance regulations to conserve the resource.
- Provide a tool in the overall management system.

What are the pros and cons of limiting/controlling entry in the shrimp fishery?

Pros:

- Establishes a known effort which would allow science to have some good information;
- Assures that shrimp are not over harvested due to economics or further restrictions in other fisheries (i.e. influx from other fisheries);
- Could provide a mechanism to reduce effort during years of low abundance; and
- Maintains alternative for groundfish fishermen.

Cons:

- Reduces flexibility for commercial fishermen;
- Causes economic hardship for some no matter how you design it;
- Has no influence on environmental factors which drive the fishery; and
- Requires determining the number of boats that can survive in a low year vs. high year

What guidelines should be used when limiting entry in the shrimp fishery?

- Allow the maximum number of historical participants.
- Maintain traditional part-time nature of fishery.
- Share responsibility in the management process with both harvesters and processors.
- Apply to both draggers and trappers.
- Avoid using a quota system.

QUALIFICATION FOR A SHRIMP LICENSE:

- Held a commercial fishing license in any two consecutive years and checked off that they fished for shrimp for those years between January 1, 1994 to May 24, 1999 and
- Must show proof of ownership of a registered or documented vessel or be designated as the operator by the owner of the vessel on forms provided by the Department of Marine Resources.
- Qualification must be done by December 31, 2001.
- May choose either a trap or drag license, but must stay in that category for future years.
- After January 1, 2002, an individual must have held a license in previous calendar year to be eligible for a license but is not required to document landings.
- An appeals process should be established to allow people to appeal a license denial if they were ineligible due to a medical reason or service in the armed forces such as established for the lobster fishery.

Between 1995 and 1996 there was a spike in the landings. Therefore, the Task Force suggests going back to 1994 to include the highest landing year when the most participants would be included but does not suggest new entrants at this time.

NEW ENTRY AND REPORT TO LEGISLATURE:

- By December 31, 2001 the total number of trap and drag licenses will be known. A Report to 121st Legislature in 2003 should be required to determine if further measures regarding entry should be made including, but not limited to, family transferability, apprenticeship programs and other means of allowing new entrants for the 2005 fishing year.
- A Task Force should be established to continue work on a solution that includes both entry and exit provisions based on the following principles:
 - Entry should be based on prior experience in the fishery to promote stewardship of the resource. At a minimum:
 - Prior deck experience (e.g., crew names in shrimp logbook or individual crew licenses),
 - CPR and First Aid courses, and
 - Letter of intent to fish for shrimp submitted to the Commissioner.
 - A large influx in entrants should be avoided by creating a circuit breaker (i.e. an overall cap or maximum number of licenses given out each year).
 - New entrants should be geographically distributed.
 - Any limited entry system should include both entry and exit provisions.

The Task Force may also discuss other methods of controlling effort in the shrimp fishery.

APPENDICES

Members of the Task Force to Study Shrimp Limited Entry

Marshall Alexander	31 Bridge Road, Biddeford, ME 04005
Mark Cheney	14 Bradley Shore Road, Pemaquid, ME 04558
Roger Libby	PO Box 182, Port Clyde, ME 04855
John Norton	Cozy Harbor Seafood, PO Box 389 DTS, Portland, ME 04112
Craig Pendleton	31 Seaside Avenue, Saco, ME 04072
Kelo Pinkham	RR 1 Box 62 West Side Road, Trevett, ME 04571
Dan Schick	194 McKown Pt. Rd., PO Box 8, W. Boothbay Harbor., ME 04575
Proctor Wells	983 Main Road, Phippsburg, ME 04562

Shrimp Limited Entry Task Force
**** Draft Document #4 ****

What are the concerns we are trying to address?

The shrimp fishery is one of the last fisheries without controls, therefore the potential for escalation on effort is high. The problem we are trying to address is to avoid potential influx beyond historical participation.

What is the goal of limiting entry?

To aid in maintaining and protecting fishing communities by allowing a number of boats that have historically been in the shrimp fishery to make a reasonable living recognizing the biological volatility.

What are the objectives of a limited entry system?

- Cap effort at the current level.
- Create a more manageable shrimp fishery by determining number of participants.
- Create more stability and less volatility in the shrimp fishery.
- Preserve remaining Maine commercial shrimp fleet.
- Enhance regulations to conserve the resource
- Provide a tool in the overall management system

What are the pros and cons of limiting/controlling entry in the shrimp fishery?

Pros:

- reduce gear conflict
- during poor recruitment years, there is a mechanism to reduce effort
- would establish a known effort which would allow science to have some good information
- keeps groundfish fishermen fishing year round
- chance to make sure shrimp down years are not over harvested by economics in other fisheries (i.e. influx from other fisheries)
- if there was a limit on number of boats when fishing was down, then this would help

Cons:

- reduce flexibility
- no matter how you design it, someone will be put out causing economic hardship
- can only have some influence on environmental factors which drive the fishery
- number of boats that can survive in a low year vs. high year would need to be determined
- flat limited entry without flexibility is not a good idea
- some form of cap on rate of entry (i.e., controlled entry) would be effective

What guidelines should be used when limiting entry in the shrimp fishery?

- Allow the maximum number of historical participants.
- Maintain traditional part-time nature of fishery.
- Share responsibility in the management process with both harvesters and processors.
- Apply to both draggers and trappers.
- Avoid quota system

What are the criteria used to limit entry into the shrimp fishery?

- The Task Force determined that there should be a separate trapper and dragger license established recognizing that there are separate characteristics between the two gear types. Individuals cannot hold both a trap and drag license. This will be for the 2001 license year. By 2002, therefore, levels of effort in terms of number of licenses will be known.

To qualify for a 2001 shrimp license:

- Held a commercial fishing license in any one of the years between January 1, 1994 to May 24, 1999; and
- Landed 10,000 pounds in any one year from January 1, 1994 to May 24, 1999 for a Shrimp Drag License; or
- Landed 5,000 pounds in any one year from January 1, 1994 to May 24, 1999 for a Shrimp Trap License.

The Task Force agreed that 1994 should be used as the baseline date in order to include the most participants based on the high landings. This is also the year in which federal logbooks were implemented.

LANDINGS:

- Proof of landings include either documentation in a federal multispecies logbook or
- Sales receipts to license seafood dealer.

QUALIFICATION:

- Qualification must be done by December 31, 2001.
- After January 1, 2002, an individual must have held a license in previous calendar year to be eligible for a license but not document landings.
- An appeals process would allow people to appeal a license denial if they were ineligible due a medical reason or service in the armed forces.

How do new people enter in the fishery?

- No new entrants should be permitted at this time because the cap that has been established already includes enough participants based on estimated figures.

Between 1995 and 1996 there was a spike in the landings. Therefore, the Task Force suggests going back to 1994 to include the highest landing year when the most participants would be included but does not suggest new entrants at this time.

*The Task Force discussed proposing an **Individual crew license** option that identifies the boat to document participation in fishery so that entry in the future can be targeted to those people who have been involved in the fishery.*

- The preferred option is to have a boat license established that is transferable with the boat like the federal boat license.

The Task Force recommends switching from an individual license to a boat license. Then, the boat license would be transferable with the boat. (However, to qualify for a license in 2001, individual history will be used, as that is how the current commercial fishing license has been issued by DMR.)

REPORT:

- By December 31, 2001 the total number of trap and drag licenses will be known. A Report to 121st Legislature in 2003 should be required to determine if further measures regarding entry should be made including transferability and new entrants.

**Public Comment
Shrimp Limited Entry Meeting
October 18, 1999
Radisson Eastland Hotel, Portland**

Dale Page stated that the qualifications should be the same for trappers and draggers who want to get into the shrimp fishery. He believes that 10,000 pounds is a generous number. He also stated that another addition to the proposal should be that a dragging license would transfer to a trapping license if dragging were outlawed in the future. He went on to state that something should be done about non-resident fishermen. He stated that it was unfair to restrict Maine fishermen when no one else was being restricted.

Roger Wallard stated that he is worried about the fact that this proposal places no restrictions on boats outside the state of Maine. He stated that this proposal would only work if the ASMFC agreed to adopt it also. He stated that since the number of boats in the state of Maine is on the decrease, that limited entry might not be necessary. He went on to add that he believed this proposal could cause friction between the trappers and draggers.

Vincint Balzano stated that he believed this proposal was five years too late and that the shrimp fishery was going backwards. He stated that he supported limited entry for two reasons: he was concerned about an influx of lobstermen who only shrimp for supplemental income coming into the shrimp fishery in a bad lobster fishing year, and an influx of people fishing in Maine waters that do not reside in Maine in a good shrimp year.

Bob Kohl stated that he has no fear of an influx of boats coming and fishing Maine waters during a good shrimp year. He stated that in the 1994/1995 fishing year, the peak year, only a handful of boats from Massachusetts and New Hampshire moved into Maine waters to fish. He also stated that if there were concerns about people coming from even further away than the proposal should include that to fish in Maine waters you must have a shrimp license in Maine, Massachusetts or New Hampshire.

Michael Lowe stated that he was concerned that under the current proposal someone outside of the state of Maine could obtain a Maine shrimp license. He stated that he believed only Maine fishermen should be allowed the opportunity to obtain the license.

Steve Snow stated that he was concerned about the discrimination a boat license would cause. He added that it would be unfair to limit someone trying to get into the fishery in the future because that person didn't have money to buy an expensive license and/or that person never had an immediate family member go shrimp fishing. He stated that he believes that the proposal should include some form of waiting list for people trying to get in the fishery.

Bob Tretrault read from the following written comments that he had prepared before the meeting:

COMMENTS BEFORE THE TASK FORCE FOR LIMITED ENTRY
IN THE SHRIMP INDUSTRY IN MAINE

BY: Robert Tretrault
Owner: F/V Tara Lynn
F/V Tara Lynn II
F/V Robert Michael

Not being a member of the task force nor having been consulted before the draft was created leaves me this single opportunity to comment. I realize Maine had to start somewhere if we were to have effort control in the shrimp fishery in my lifetime. I congratulate you brave souls for tackling this problem.

Mainers didn't start this, in fact, we have resisted being put into fishing boxes since the first one was proposed. Every time a new control date is published someone in Maine has given up yet another opportunity to survive in our mixed fishery culture. My vessels have been reduced to ground fishing (147, 108 and 108 DAS) and shrimping. We share the shrimping with anyone who wants to go. This fishery is so open we don't even know how many participants we have. As a general comment I'm encouraged that this first step has been taken. We have really no choice, to survive we must preserve this fishing option as so many before us have done with their fisheries.

The "draft" of the proposal to be presented to the legislature will be an imperfect document. If it is excluded anyone we would run the risk of losing broad support, therefore the objective "cap effort at the current level". Limited entry schemes are usually implemented to control effort so harvesting can be matched to abundance levels. We haven't tackled the real problem but we'll have a start.

Those of us who depend upon and have nurtured this fishery over the years have a vested interest in the future of shrimp harvesting. The better stewards are usually vested in some way. Where would we be if there weren't any zoning regulation? If developers were free to guide themselves? Participants in a given fishery are sort of like property owners and renters in a zoning debate. They want strict guidelines drafted so opportunists can't come into their neighborhoods and compromise their investments.

Unfortunately for Maine, the legislature has retained control over regulations like these. Decisions are often made under political pressures, not on the merits of the proposal. Newly emerging and well established fisheries alike change much more rapidly than our political process can respect. We have an opportunity to get out ahead of this one. I hope people put aside their minor differences and support a bill that captures the spirit of the proposal here.

Specific Comments:

State Licensing: About time. I have to assume the criteria is documented by a Maine fishing license and a Maine State dealer's license. Do you really want the armed forces loophole? No one is drafted any longer, it's a job. Anyone from Maine who served anytime during the qualifying years would be eligible?

New Entrants: What will the criteria be? Economic factors rather than shrimp abundance often determines whether or not boats participate. Why not a "use it or lose it" scheme so people can't set aside opportunity in case they want to exercise it. Re-qualifying periodically would assure better utilization. We have participated in the past to keep processors in the market place and machines in their plants.

Individual Crew Licenses: A good idea that should be developed further in all fisheries.

Boat License: Either way has its shortcomings. Boat licensing would be consistent with other fisheries and wouldn't put Maine at an economic disadvantage when selling the "family farm". Individual licensing assures bad actors are culled. But does the state have the appetite to take away a livelihood?

What effect will our establishing State requirements have on the ASMFC? Shouldn't it be contingent upon the other states adopting similar rules for their fishermen? Otherwise we export commerce to our neighboring states. Good luck with the proposal, I look forward to the hearings on a bill.

**October 18, 1999
Public Meeting
Attendance**

Task Force Members:

Mark Cheny, Proctor Wells, Craig Pendleton

DMR Staff:

Commissioner George Lapointe, Jennifer Smith

Public Attendees:

Bob Tritrault	2 Portland Fish Pier	Portland, ME	761-4418
Dale Page	5 Bay St.	Boothbay Harbor, ME 04538	633-0755
Rick Albertson	155 Ridleys Choc Rd.	Phippsburg, ME 04562	389-2896
Bob Kohl	1153 Race Lane	Marstons Mills, MA 02648	(508) 428-1667
Daniel Todd	48 Blackberry Ln.	Freeport, ME 04032	865-9316
Tim Eddy	145 Nash Rd.	Windham, ME 04002	893-1473
Roger Wallard	RFD# 5 Box 2416	Brunswick, ME 04011	729-1482
Arthur Odlin	210A Pine St.	South Portland, ME 04106	299-5981
Janice Plante,CFN	1183 Targhannock Blvd.	Ithaca, NY	(607) 277-5355
Branimir Vidvcic	41 Milisca Dr.	Yarmouth, ME 04096	846-3290
Steve Jordan	10 Ridge Ln.	Falmouth, ME 04105	797-2772
Steve Snow	8 Storer St.	Scarborough, ME 04074	883-1405
Michael Love	178 Haskell Rd.	North Yarmouth, ME 04097	829-2754
Vincint Balzano	31 Vines Rd.	Saco, ME 04072	282-3627
Robert Scammon	58 Osprey Cove Rd.	Freeport, ME 04032	865-1929
Arthur Morton	200 Merrill Hill Rd.	Greene, ME 04236	946-5986

Public Comment
Shrimp Limited Entry Meeting
October 21, 1999
Trade Winds, Rockland

Butch Thompson stated that he is opposed to the proposal the Task Force has come up with and that he does not believe that there is any principal behind it. He stated that when he bought his license he was never guaranteed a catch, just an opportunity, and he believes he should still have that right regardless of how many pounds he has landed. He added that there are many things other than limited entry that can be done to help conserve the shrimp resource.

Sherman Hoyt stated that no one in any fishery likes the idea of limited entry, but that this limited entry and this proposal are better than losing management of the fishery to the Federal government. He also added that the proposal should clarify fishing season as opposed to calendar year.

Alan Berner stated that he was opposed to this proposal. He believes that the shrimp fishery does not need regulations regarding limited entry. He stated that if this proposal is sent to the Legislature that it should include some form of exemption if a fisherman could prove he participated in the fishery at some point over a number of years (i.e.: 20 years). He went on to add that he is opposed to having a license attached to a boat as suggested in the proposal.

Orman Poland stated that he was concerned with the proposals qualifications for getting in to the fishery. He stated that it is unfair to tell a fisherman who has been going shrimping his whole life that he can no longer go because he doesn't meet landing criteria established by someone else. He added that he was also concerned about how this proposal would eliminate future participants into the fishery.

Bernard Raynes stated that he thinks this proposal is a good start for a limited entry scheme. He stated that the proposal seems to have everyone covered because it goes back to 1994, when there was the highest number of historical participants in the fishery.

Arthur Morton stated that the shrimp fishery should be for everyone to participate in, not just a few. He stated that this proposal would divide fishermen. He is concerned that this law will drive out people who have not fished since before the 1994 date in order to conserve the resource. He stated that it was unfair to punish fishermen for doing something other than shrimping and conserving the resource. He stated that he should have the right to go shrimp fishing whenever he so chooses. He stated that he is opposed to any limited entry scheme.

Keith Mill stated that the Task Force should look at moving the date set in the criteria back to allow fishermen who did give up shrimping and go to another fishery to conserve the resource the right to get their shrimp license.

**October 21, 1999
Public Meeting
Attendance**

Task Force Members:

Proctor Wells, Roger Libby, Dan Schick

DMR Staff:

George Lapointe, Jennifer Smith, Dan Schick

Public Attendees:

Alan Berner	Box 1032	St. George, ME 04857	594-8867
Butch Thompson	PO Box 176	Port Clyde, ME 04855	372-8831
Bernard Raynes	PO Box 346	Owls Head, ME 04854	594-5870
Todd Watts	HC 35 Box 519	Tenants Harbor, ME 04860	372-8511
Jonathan Murphy	PO Box 136	Friendship, ME 04547	832-5121
Denny Berner	3474 Friendship Rd.	Waldoboro, ME 04572	832-7941
Alan Poland	PO Box 22	Cushing, ME 04563	354-6162
Donald Yerias	40 Flintwood Lane	Cushing, ME 04563	354-6404
Philip Poland	279 Pleasant Point Rd.	Cushing, ME 04563	354-6485
Orman Poland	226 Hathrone Point Rd.	Cushing, ME 04563	354-6736
Keith Miller	Box 425	Spruce Head, ME 04859	594-2433
Sherman Hoyt	HCR 33 Box 490	Spruce Head, ME 04859	596-0580
Paul Molyneaux	Fishermen's Voice	Trescott, ME 04652	733-5502
Arthur Morton	200 Merrill Hill Rd.	Greene, ME 04236	946-5986

**DEPARTMENT OF MARINE RESOURCES
SHRIMP MEETING
HOLIDAY INN, ELLSWORTH
OCTOBER 25, 1999**

- **Marsden Brewer** - Where is the representation for Eastern Maine on the Task Force?
- **Ted Hoskins** (Boat Minister on the *Sunbeam*) - Stonington Fisheries Alliance. See attached.
- **Robin Alden & Jen Bubar**, Stonington Fisheries Alliance - See attached.
- **Ted Ames** - See attached.
- **Marsden Brewer** - See attached.
- **Commissioner** - I will notify the Stonington Fisheries Alliance when the next meeting is planned. Contact Person - Jen Bubar. There will be shrimp licenses issued in the year 2000. This will allow for an actual count for the first time. This proposal suggests access to people who have checked off shrimp box in two years.
- **T. Ames** - Why didn't all the Task Force Committee come? Also have proposal for limited entry, with exit incentives. Opposed to boat license idea. What are the Commissioner's thoughts
- **Commissioner** - Task Force had other obligations. I want to manage the shrimp fishery better. Effort is a way to do it. Limited entry is being discussed by the will of the industry. If there is a wide divergence of opinion, I would rather leave it open for another year.
- **Daniel Placzek** - Community family fishery issue in this state?
- **Commissioner** - Working communities can remain working communities. We all know how difficult that is with 3,700 miles of coastline. It does leave a lot of room for a lot of different types of fisheries.
- **Auton Preble** - Lobstermen and shrimper since 1969. Last year had sickness heart trouble. Hit us hard up here. Last two weeks in March we weren't able to go. I want to be able to make a living through the winter. I had to make my own market. Struggle to get through.
- **Jones** (Bar Harbor) - Shrimp season gets screwed up. Some weeks it is hard to make a living. Someone who has never gone before can still go, when I can only go a week here and a week there, with no limited entry into the season.
- **Commissioner** - Anyone who enters shrimp fishery has to go during the open season. There are varying comments from the industry including "shorter season with less days off in the middle". The trap fishermen had advantage? Trappers didn't think they had a lot of advantage either. How to accommodate the need for conservation? The Technical Committee is considering options ranging from 0 - 37 days for the season.

- **Jones** - When the shrimp are here, we're not able to fish and when they aren't here, we can fish them. That is how the season goes. We pay biologists to determine when the shrimp are in the area.
- **????** - We don't like the fact that the big boats can go anytime offshore.
- **Commissioner** -with 37 days you won't be going anywhere.
- **T. Hoskins** – Is Maine considering limited entry, along with other states???
- **Commissioner** – The shrimp fishery is managed interstate by the ASMFC. Nothing would go in effect until the other states make it effective. ASMFC crafts the season on biological information. Maine talks to its fishermen better than any of the other states.
- **M. Brewer** - Nothing would be happening until New Hampshire and Mass came on board??
- **M. Brewer** - V-tail law and maximum size law Mass and NH have benefited. We don't want the same thing to happen with shrimp if Maine is the only one to put this into effect is Maine.
- **R. Alden**- We should not do anything with regard to limited entry until Mass and NH do the same thing. All three states should be in agreement.
- **T. Ames** - The western part of the state is very concerned that it could come unwired. With 21,000 licenses in the state (most in the westward) the rest of us that shrimp now, or have shrimped, would not want their right to go being stripped out and handed over to the southern end of the state. If this Task Force proposal goes through, we would have it stripped away.
- **Todd Goodel** (Bar Harbor) - Went shrimping for 3 years. Collected gear for three years, and won't have the opportunity to use it if this task force proposal goes through. Bought commercial license for three years. Have all the gear I could possibly need. I would like to have the opportunity to set out if I want to.
- **Carol Bridges** - If there is a limited 37 days, could we pick and choose what days?
- **David Tarr** (Brooklin) - Bought a bunch of licenses. Started out three years ago. Now it is necessary for us to do a lot of fisheries. Am sea urchin fishing now. I will probably qualify for the shrimp license. Spent a lot of money to do things right. Commercial fishing license used to cover several fisheries. Won't need that anymore. Urchins are not going to cut it, and the scallops are in a bad state. Everyone should have the option to go shrimping. I realize that you don't want to pound one resource. Most do 2 or 3 fisheries. I do 4 or 5. If it is more restrictive I won't be able to go. Right now I will probably be able to go. Hate to lose flexibility. Understand you don't want a fishery beat down to nothing. If licenses are transferable and 10 years down the road my wife wants to sell the licenses, chances are the person buying will be from where there are a lot of shrimp and you will end up with a concentrated area of fishermen.
- **Kathleen Billings** - 85% of the shrimp caught are in Maine?? Penobscot Bay East is not reflected in that because, more than likely 85% are caught in the southern area Maybe

they should do more conservation in the southern end then to penalize the people in this area. The only shrimp here are fished to supplement income.

- **Leonard Young III** - Could the statistics possibly not be as bad as everyone thinks they are? If everyone claimed what they caught, it probably isn't that bad.
- **Commissioner** - I have the sense that when the fishery was closed, it was in far worse condition than it is now. Effort was done last year, prices not good.
- **J. Bubar** - 37 days long - People are not going to go out for it with the expense.
- **Steve Beathem** - Position on late season harvest? If you harvest the small shrimp in the late season you are harvesting your future. We tend to see a lower quality shrimp in late March/April
- **R. Alden** - Ask people again what type of people they see in late March early April period. I don't think it is the same in the southard.
- **Leonard Young III** - We see some of the best shrimp in March or April. We get bigger shrimp up here.
- **S. Beathem** - I go to the westard to buy shrimp. Early and late season we see a lot of small shrimp.
- **D. Placzek** - Raising fees and generating revenue for the state. No one thinks of the little guy. I have a hard time believing government. Purpose of the license is not to raise money for the state with the license fees.
- **Commissioner** -The state is not going to get rich on \$10 per license. Other money would go to shrimp research fund.
- **D. Tarr** - License fees have jumped over the years. 1000 percent increase in 10 years. Another research fund?? Research fund scares me. The industry would like to have input as to how money is spent.
- **Commissioner** - If every shrimp person checked off the shrimp licenses the last two years that would only generate \$7,000. This would not do a whole lot of research. Funds that have money in them are trending down right now.)
- ??? – Has the Task force made any restrictions on gear restrictions.
- **Commissioner** – The Task Force was not asked too. They were only asked to look into limited entry.
- **D. Placzek**. What happens when shrimp are back running. Are you going to add more dates? Scallop season is shortened by 30 days. If it comes back, will we get back the 30 days?
- **Commissioner** - Scallop season had more problems with gear conflicts; Lobstermen and scallop fishermen.

- **R. Alden**- Task force proposal and season setting process are two different things.
- **Commissioner** - There will be a report in 2001 and wants additional report in 2003. Take time and discuss these issues. Judge how the proposal looks.
- **D. Placzek**. How did we loose the shrimp fishery to the other states?
- **Commissioner** - State of Maine has a lot of say in the process. We have a balance. The State of Maine talks to their fishermen a lot more than the other states do.
- **M. Brewer** - In the future when task forces are put together Eastern Maine should be seriously looked at. Eastern Maine is more family oriented than the other States, even if it doesn't hugely impact what we are doing, Eastern Maine should be represented.
- **Commissioner** - Absolutely. It needs to be done. They are willing to make the sacrifice. People are committed to the fisheries and the community.
- **R. Alden** - A lot of people not willing to get involved. People are discouraged about their ability to change things. Limited entry - putting together task forces to study this, important to make sure that you get people on these task forces that are not likely to be in on the first cut. Everyone loves it because they are in, but it is the younger people who don't have their say, and should be able to have their say because they are very viable for our future.
- **Commissioner** - Need help from communities.
- **Jim Houghton** - Shrimp is a real good inexpensive food for the season. Totally industry driven. The Task Force has no general public on it.
- **Commissioner** - A lot of people see Portland as the only area fishery, but there are many small fishermen in southern Maine.
- Meeting concluded with many small group discussions at around 8:30 p.m..

Testimony of the Stonington Fisheries Alliance

October 25, 1999

Ellsworth Holiday Inn

6:30 p.m.

+++++

Good evening, my name is Ted Hoskins, I am boat minister aboard the Sunbeam with the Maine Sea Coast Missionary Society regularly visiting the outer islands, but I speak tonight as a member of the Stonington Fisheries Alliance, a diverse community-based group of men and women from a variety of fisheries. We do not pretend to represent the fishermen of Stonington, but we do represent the interests and concerns of the various fisheries that work out of and literally make up not only the town of Stonington but the whole coast of Maine.

We are committed to certain principles by which we measure and determine our positions and statements. The principles relevant to tonight's discussion are:

- our commitment to
- 1) community-based, owner-operator fishing
 - 2) ecologically sound development of sustainable fisheries
 - 3) open fisheries within the limits of sustainable stocks
 - 4) fair and equitable treatment of all

We have worked hard, staying within the parameters that you have set, to come up with some significant alternative options which we strongly feel will accomplish your goals and work best for the fishermen and the communities of Maine's coast.

We would like to make our presentation as a whole piece, though we have several speakers sharing differing aspects of our plan. We ask your indulgence to allow us to finish the entire presentation before questions are asked, since all the statements fit together. It may seem at times that we are wandering from the point..but all our information is pertinent to the perspectives we share on the problems you have defined.

And last, we would like to stay in conversation with the task force. Our concerns and viewpoints need to be part of the discussion as your plans are finalized for the legislature ...even if that ends up with "no recommendation".

Now...all that being said...

Let me begin by thanking the task force and the DMR for the work that has been done.

We applaud the shrimp stock assessment process and trust its results.

We support the setting of limits on the number of fishing days.

We recognize the importance of knowing effort levels...so that season length may be determined.

Post-It® Fax Note	7671	Date	# of pages 9
To	Commissioners	From	Cathy
Co./Dept.		Co.	
Phone #		Phone #	
		Fax #	99%

SHRIMP TASK FORCE HEARING OCTOBER 25, 1999 PAGE 2

We are as concerned as you are that if a good year were to come along and no limitations were in place, the stocks could be easily destroyed.

But we have some questions regarding your solutions and some hopefully helpful ideas to add to the mix.

Until asked, you had no scheduled hearing for down east. Now we know most of the shrimping is to the west..
but let Ted Ames describe our shrimp fishery...

*First, let's address the concerns we have
with your proposals
John Buben & Robin Alden will address them*

**Testimony at the Shrimp Meeting
Robin Alden and Jen Bubar
Stonington Fisheries Alliance
Ellsworth Holiday Inn, October 25, 1999**

Critique of the Shrimp Task Force Proposal

It has fallen to me and Jen Bubar to describe the problems that Stonington Fisheries Alliance has with the draft limited entry proposal put forth by the Shrimp Task Force. I thoroughly respect the effort that has gone into crafting this proposal; this is a complex and important problem that needs to be addressed and, as they say, "Been there, done that." However, this proposal should not go any further.

Our objections are fundamental. We oppose limited entry in the shrimp industry because of the unique nature of the fishery and the part it plays in the coastal economy. We recognize the need to control entry but controlled entry is different from limited entry. We will make a proposal as to what might work, but first, my role tonight is to describe what is wrong with the approach the Task Force has chosen: federal-style limited entry.

It is important that you listen closely to this, because more is at stake than just the shrimp fishery. The proposal is a dramatic departure from the way Maine fisheries have been managed to date and a giant step toward the way the federal government manages. This is a domino for two reasons:

1. If this plan were ever to be put in place, other Maine fisheries would inevitably follow. In the future, shoreside owners would be buying and selling the rights to fish in Maine's fisheries, something that would devastate Maine fishing communities. It runs completely counter to the concept of personal responsibility for the resources we use.
2. This proposal would mean that shrimp would be another fishery removed from the options that coastal fishermen have had. Coastal fisheries depend on flexibility to be viable. They have been deeply shaken by the loss of access to groundfish, quahogs, scallops, and now herring. The loss of one more fishery could devastate Maine fishing communities.

The fundamental change proposed by the task force is to shift licenses from individuals to boats and to make those licenses transferable by purchase and sale of the boat. Currently licensing is tied to the person responsible for behavior at sea. Currently no one can sell a Maine license, directly or indirectly because no one can sell a person.

Consequences from allowing a transferable boat license include:

- Changes the Maine license from a privilege to a property right.
- Gives a windfall benefit to those lucky enough to be grandfathered "in" including all fishermen members of the Shrimp Task Force.
- Would eliminate the need for the license holder to be onboard the boat
- Will lead to speculation, leasing of permits, and consolidation as it has in every other fishery with these provisions

- Enables fishery to shift to out-of-state owners so that Maine would lose another fishery
 - ✓ What does an out-of-state person get when he/she buys a boat with a Maine shrimp permit? This is not clarified in the proposal.
- Would shift the Maine fishery from one dominated by owner operators, directly responsible for conduct, to tenant-fisherman, hired captains.
- Will lose family fishing values
- Will lose the opportunity for local people to participate in using a resource that occurs locally

Consequences of the qualification criteria chosen include:

- The years chosen are too recent to effectively capture participation from the eastern half of the state because shrimp has been relatively less abundant east of Monhegan in the qualifying years.
- 10,000 lbs. is too high to capture some small boats in areas where shrimp has not been abundant and where other options exist
- Qualification criteria requiring either a federal logbook or seafood sales to licensed dealers eliminate those who have shrimped and sold retail. The further east you go, the higher the trucking fees and the further from market, especially in years of low shrimp abundance, selling retail is a sensible business option. For those without federal permits – many in the eastern part of the state, this is a legal option. They should not be penalized.
- Landings are questionable criteria to use in limiting entry to a stressed fishery. History of such efforts in Nova Scotia, New Zealand, and the NE groundfish gives cause for believing that such landings requirements cause inequities.

Please note, our comments are limited to the shrimp dragging license, because fishermen in this area have never been successful in getting shrimp to trap. We have no objection to separating the shrimp dragging and trapping licenses.

Consider some of the likely impacts of the proposal as a whole:

- The task force proposal would freeze out nearly all shrimp fishermen in the eastern half of the state.
- It would also freeze out younger fishermen because the only way they could get a license would be to buy a large, expensive vessel that was unsuited for other coastal fisheries. Think about what the implications for a young lobsterman with a 35' boat to have to buy a 56' dragger in order to be able to put a small net on his lobster boat to shrimp for a month and one half some winter.
- It would permanently transfer to the offshore New England fleet what has been, until very recently, a fishery with a mix of sizes of boats and ownership. The tenant fisherman/landlord relationship has a poor record of conservation and responsibility. Such a fleet offers fewer, less reliable jobs that often pay less and have poorer working conditions than most coastal fisheries.

Does the proposal meet the Task Force objectives?

- It won't cap effort at the current level because it does not address the scale of operations. All it does is cap the number of participants.
- A known number of owners will make it much easier for government to deal with them but this does not mean that the fishery will be easier more manageable from a conservation point of view. The track record of such relationships is not good – witness the Canadian groundfish fishery.
- It won't limit volatility because volatility comes from the biology of the fishery and the effort, as opposed to the number of participants, is not capped.
- It will preserve – indeed give a windfall – to those lucky enough to have participated in the recent years with landings that can be documented. It will not preserve shrimp as a coastal fishery for use by Maine fishermen.
- It may make it easier to project effort levels in the short term, making season setting easier.
- It will provide a tool in the overall management system - anything that one does to manage shrimp does that.

Does the proposal meet the Task Force goal?

It doesn't. The proposal fails to maintain or protect fishing communities except temporarily those few that have substantial current shrimp fleets (provided there are shrimp to catch in the next few years). In the future, after the shrimp fleet consolidates, that benefit will be gone. The proposal is another nail in the coffin of other communities, disproportionately affecting eastern Maine communities, because it will remove shrimp from their options. This is not simply, as the draft report says, a "con" where "no matter how you design it, someone will be put out causing economic hardship." This is a critical loss of flexibility that affects the viability of all the other inshore fisheries and the communities that depend upon them.

Adjacency, exit

In closing, let me add two additional thoughts. First, adjacency. The Task Force should consider the principle of adjacency in its deliberations. It is entirely reasonable that areas with more shrimp should have more shrimp licenses and fishermen. But it is unreasonable to think that when shrimp appears in other areas of the coast, that those same fishermen from areas of abundance should be the only ones entitled to fish there, leaving the fishermen from the ecologically-disadvantaged areas to watch from shore.

Second, exit. In a volatile fishery such as shrimp, it is as important to examine exit as entry. When the shrimp stock declines, as we know it does periodically, it is essential that effort shrink to stay in balance. Limited entry ensures that people who are in, stay in. A system such as that proposed by the Task Force grandfathers in inclusively, including participants from a period of high shrimp abundance, and then ensures that those who qualify for the license never give it up. This is true in the short run because they have the prospect of winning a windfall profit from it and later because they can't get back in if they exit. Furthermore, all of those vessels in it, if not constrained by scale of technology, will be increasing their effective effort over time.

**Testimony at the Shrimp Meeting
Ted Ames and Marsden Brewer
STONINGTON FISHERIES ALLIANCE**

**ALTERNATIVE
TO THE
DRAFT SHRIMP MANAGEMENT PLAN**

Thank you for the opportunity to speak about the proposed shrimp plan. I am Ted Ames from Stonington, a former shrimp fisherman and member of the SFA. Finding a way to preserve fishing communities, the existing shrimp fleet, and make the volatile shrimp fishery more sustainable is a Herculean task. We recognize this and wish to acknowledge the hard work of the Shrimp Task Force in attempting to develop its management plan.

However, the Stonington Fisheries Alliance (SFA) unanimously rejects the Task Force's proposals because they would do great harm to most of Maine's fishing communities and the traditional inshore shrimp fleet, while doing little for the stocks. Giving ownership of Maine's shrimp to the handful of vessels with federal groundfish permits and inshore fishermen who qualify under the Task Force plan while forever excluding the rest of Maine's 22,000 licensed fishermen is unjust, uncalled for, and ill advised.

After much discussion, the SFA prepared an alternative approach for your consideration that would accomplish the intended goals of the Task Force without requiring transferable licenses to the boat. The alternative deals with entry and exit provisions, qualifications for access, and gear controls. Marsden Brewer and I have been given the honor of presenting it to you today.

Unlike the Task Force recommendation, the SFA plan proposes to give some fishermen an opportunity to enter or leave the fishery each year. It would allow them to do so in an orderly way without threatening the stocks. At the same time, it would protect access to the shrimp resource for all Maine fishing communities. It also protects the Maine tradition of making each fisherman personally responsible for fishing practices by continuing to license the individual. Finally, the SFA plan would resolve the Task Force's concern that large numbers of lobstermen with powerful engines in their boat will enter the fishery.

STONINGTON FISHERIES ALLIANCE ALTERNATIVE SHRIMP PLAN

ACCESS CONTROLS: QUALIFICATION

1. Access in year 1 would go to all fishermen who have checked off shrimp on the commercial fishing application for the last two consecutive years of the qualifying years. Landings would not be used to qualify for a shrimp license.
2. The shrimp fishery would be a **second fishery only**. That is, open only to those who have other Maine fishing licenses and who would use the fishery to augment their income.
3. Licenses would continue to be to **fishermen only**! No vessel licenses!
4. Licenses would be **non-transferable**.
5. Future entry would be limited to **owner-operators only**, with provisions for grandfathering corporate vessels.

ENTRY CONTROLS

6. Each year an additional 10% of the total number of shrimp licenses in the state would be given out, 1/7th of them to fishermen living in each of the seven lobster zone areas.
7. Each zone area would be entitled to a minimum of 20 licenses. If there are less than 20 shrimp fishermen in a zone, the area would be given enough licenses to make up the difference from the 10% being distributed. If nobody from the zone area takes them, the extra licenses expire.
8. A list of fishermen applying for shrimp licenses would be prepared for each zone area, according to where they land their catch in their principle fishery.
9. Those fishermen having only 1 fishing license would be at the top of the list. Those holding 2 or more licenses or permits would be farther down the list, and so forth.

EXIT INCENTIVES

10. Licenses would not be transferable.
11. If a fisherman documents no landings for 5 consecutive years, the license fee doubles.
12. If the fisherman documents no landings for 8 consecutive years, the license expires.

GEAR RESTRICTIONS

13. Nets would be limited to a 72 ft foot rope or smaller and ground gear would be limited to a chain net.
14. Doors would be limited to 200 kilograms or less.

**Testimony at the Shrimp Meeting
Marsden Brewer
Stonington Fisheries Alliance
Ellsworth Holiday Inn, October 25, 1999**

Hello Commissioner,

My name is Marsden Brewer. Among other things, I too am a member of the Stonington Fisheries Alliance. The proposal that Ted Ames has just presented offers an excellent solution to the problem of uncontrolled access to our resources. The idea of a secondary or non entry level fishery is not new, it is used in our urchin fishery. This proposal allows for both entry and exit from the fishery and distributes continued access to the resource throughout coastal Maine. The Joint Standing Legislative Committee on Marine Resources correctly identified that access to the resource has to be controlled in the future. But I don't believe that what they were after was just a cheap grab for the peoples resource that would eventually lead to ownership of the resource being controlled by a few corporations.

Fishing Licensees in the Great State of Maine have always belonged to the people. It is the fishermen that have held the commercial fishing license that allowed them to take possess transport and sell the resource that have the history not the vessels. The history that has been developed in this fishery belongs to the people who have acquired it, not to the vessels that they fished from. Fishing licenses should never be transferable and personal history should never be given to a piece of equipment.

I have brought along a few V's from lobsters that I have notched myself. These V's are all from female lobsters that had a imperfection in the flipper just to the right of the center flipper. Most of the lobsters probably could of been landed and probably would of been, if I hadn't notched them. None of these V's came from seeders (I didn't want to stress them). I've notched lobsters for a long time but I haven't always saved the notches. The notches that you have before you were saved between the Sept and the Oct Advisory Council meetings. The point that I am trying to make is that it is the fisherman that is able to make a conscientious effort to try to insure the future of the resource not the vessel.


Throughout my fishing career I have been involved as a crew member, an owner operator, a hired skipper and as a vessel owner that hired a skipper. As a hired skipper my job was to catch as much as I could as quick as I could, as a vessel owner the object was the same. It is only by being an owner-operator that I really begin to realize the importance of insuring a future in our fisheries. If responsible stewardship of our states marine resources means anything at all to you, I suggest that you seriously consider the owner-operator part of our plan.

When this plan was being developed by the SFA we needed a method of distributing licenses throughout coastal Maine we chose the seven Lobster zones as the method of distribution of access of the resource. By using the zones to spread out entry we help to insure that future access to the fishery will be spread throughout all of coastal Maine helping to preserve for the future and also maintain a way of life exhibited by the family owned fishing operations that exist throughout coastal Maine. The zones are for the purpose of entry controls not to define harvest areas.

Now I'd like to address the issue of scale. The task force identified the problem of increased effort from increased scale. They expressed concern for the 900 hp lobsterboat and what the impact of the increased horsepower may be on the resource. This is a problem. The State of Maine has used scale as a means of effort control in many of its fisheries in lobstering its trap limits, in scalloping, urchining, quohogging, and musseling it is dredge size. In our elver fishery we control the size of our nets. In our clamming industry we don't argue about how many tines are on the clam hoe but you try to hook a gas engine up to the back of it and you're in for a battle. In order to participate in any of these fisheries you have to agree to observe the fisheries limits on scale. A limit on scale is an essential license criteria. Just limiting entry will not cap effort. Our continuing world's increases in technological and mechanical ability will allow effort to continue to increase if a limit on scale is not part of the plan.

One other piece of common property that we all share is our system of roads. It doesn't matter if you own a Yugo, a Cadillac, or a Corvette you still have to observe the speed limit and stop for red lights. Even though there is considerable difference in the cost and speed capabilities of these vehicles we still have to agree to observe a basic set of rules so that our public system of roads work for the greatest number of drivers. Addressing scale as a license criteria would help to reduce gear conflicts, help address essential fish habitat and help allow for the maximum no of participants

Now the members of The Stonington Fisheries Alliance will be happy to answer any questions and consider your concerns.

Sincerely,

Marsden Brewer

**SHRIMP PUBLIC HEARING
ELLSWORTH, MAINE
OCTOBER 25, 1999**

Jim Houghton	51 Glen Mary, Bar Harbor	288-5677
Bill Crowe	PO Box 253, Gouldsboro 04607	963-7195
Marsden Brewer	Stonington	367-5100
Donna Brewer	Stonington	367-5100
Stephen Beathem	PO Box 964, Ellsworth	667-5336
Ted Harlem & Linda	PO Box 931, Blue Hill	374-2028
Jen Bubar	PO Box 317, Stonington	367-2417
Rick Bubar	PO Box 207, Stonington	367-2417
David Tarr	HC 64 Box 36, Brooklin	359-6538
Sherry Hutchins	RR 1 Box Penobscot 04476	326-8545
Jesse Leach	Rt 15, Box 1220, Penobscot 04476	326-4719
Jill Goldthwait	22 Albert Meadow, Bar Harbor 04609	288-5461
Myron Hardy	Deer Isle	348-2632
Mike Briggs	Ellsworth	266-5353
James Pollock	Prospect Harbor	422-9944
Anne Porter	The Ellsworth American, Ellsworth	667-2576
Ted Ames	PO Box 274, Stonington	367-2473
Leonard Young	10 Woodbury Rd., Bar Harbor	288-8025
Steven Tinker	RR 2, Lubec	733-2578
Scott Murphy	RR 1 Box 281, Dennysville	726-5157
Richard Bridges	Deer Isle	348-2840
Kathleen Billings	Deer Isle	348-2708
Robin Alden	Stonington	367-2473
Jim Ostergard	Thomaston	354-6409
Frank Trundy	Sorrento	422-3461
Paul Molyneaux	PO Box 41, Whiting	733-5502
Leonard Young	Bar Harbor	288-5510
Dick & Carol Bridges	PO Box 27, Sunset	348-2840
Daniel Placzek	37 Hillside Rd, Orono	866-3700
Ralph Preble	35 Union St., Ellsworth	667-4068
Carlton Preble	PO Box 294, Winter Harbor	963-5507

Public Comment
Shrimp Limited Entry Meeting
October 26, 1999
DMR, West Boothbay Harbor

Charles Begin stated that many things have happened since 1994, especially in Lobster Zone E, that this proposal does not consider. He said that many lobstermen haven't gone because the lobster resource has been good, but next year the trap limit in Zone E is going to be 600 traps and many lobstermen will have to go shrimping to supplement their income. He stated that he thinks holding any commercial license should be the criteria to getting into the shrimp fishery, not shrimp landings. He finished by saying he is opposed to the proposal because it hurts the people who have the least impact on the fishery and stops many fishermen who need to supplement their income in the slow months.

Butch Brewer stated that he was opposed to this proposal because it would hurt many fishermen. He said that many people, himself included, have gone shrimping over the years, but haven't in many years, so they would be excluded from the fishery.

Win Mitchell stated that he believed conservation of the shrimp fishery had been the Legislature's number one concern when they established the Task Force, and this should be the focus of the proposal. He stated that he believed that the way the proposal is written now does not conserve the resource; it limits entry to protect the existing "large" fisherman from the potential of new participants entering the fishery. He stated that the proposal's minimum criteria will limit the little guy, not the large corporate fishermen. There is no conservation effort when the large shrimping vessels are allowed to continue taking as many shrimp out as possible, and the small boat, which makes up only a small percent of the landings, is forced out of the fishery. He asked Dan Schick and was told that trappers only make up on average 5% of the landings of shrimp in the state of Maine. He stated that if that percent was so small why did the proposal call for limiting the entry for trappers? He suggested that since trapping is so insignificant, the trappers be separate from the draggers in the proposal and not have a minimum landing criteria. He finished by stating that in his opinion, the proposal is very raw, and its effect on everyone throughout the whole state has not been considered. He ended by saying that he believed the Task Force should seriously consider rethinking and revising its report before sending it to the Legislature.

Bill Sutter stated that he was concerned about an influx of boats coming from other states because the proposal has nothing to do with control outside of three miles. He stated that he goes dragging inside the bay and does not qualify with the criteria in the proposal. He added that investment and gear should be criteria for getting in to the fishery instead of landings. He stated that he was opposed to the license being attached to a boat because the state is essentially giving someone something for nothing and later someone else wanting in to the fishery has to pay. He went on to suggest the proposal clarify shrimp instead of using a generic description. He finished by stating that the large fishing vessels catch 75% of the landings and are more of a conservation threat than the little boat. He stated that he was opposed to this proposal because it puts the shrimp fishery in only a few big hands and the small fishing boat has been given no consideration, and that if a person has ever had a landing and possessed a commercial fishing license then he should have the right to go shrimping.

Larry Knapp stated that if lobstering were to drop off then the fishermen would have to move in to other fisheries. As it stands right now the shrimp fishery is one of the only fisheries the

lobstermen have to supplement their income. He stated that full time fishermen should at least be given flexibility to move within the shrimp industry. He added that owner/operator fisheries are the most productive fisheries and that the most destructive fisheries are the corporate, which is what this proposal would make the shrimp fishery.

David Norton stated that with the existing criteria in the proposal he would qualify for the license, but he is still opposed to it. He stated that he has many concerns of the fairness of this proposal and the doors it shuts for future generations.

Ken Honey stated that he was concerned with the tri-state effect of the proposal because New Hampshire and Massachusetts have not taken similar actions. He stated that how the proposal is laid out at the present time does not represent the majority of the fishermen, and he stated that he would never support the proposal the way it is currently written.

Michael Dawson stated that he was opposed to this proposal. He stated that he had fished for someone else and landed 10,000 pounds, but he never landed 10,000 pounds when he possessed a license. He added that there would be many fishermen who would fall under this scenario.

Clive Farrin stated that he was concerned for the person who made a substantial investment in the past few years, but has not met the landing criteria yet. This person would suffer a substantial financial loss. He stated that he was opposed to the proposal because there is no conservation in leaving in the big boats and taking out the small boats that only make up a small percentage of the shrimp landings.

October 26, 1999 Public Meeting Attendance

Task Force Members:

Mark Cheny, Proctor Wells, Kelo Pinkham, Dan Schick

DMR Staff:

George Lapointe, Dan Schick, Jennifer Smith

Public Attendees:

Neil Cunningham	RR1, Box 638	Boothbay, ME 04537	
William Sutter	PO Box 109	Wiscasset, ME 04578	
Win Mitchell	543 Cape Newagen Rd.	Southport, ME 04576	
John Seiders	8 Sunset Loop	South Bristol, ME 04568	
Francis Seiders	PO Box 33	South Bristol, ME 04568	
David Norton	PO Box 271	Boothbay, ME 04537	633-5260
Brian Barter	RR1, Box 75	Boothbay, ME 04537	633-6063
Will Snowman	108 Cross Rd.	Southport, ME 04576	633-3766
Butch Brewer	Box 113	Boothbay Harbor, ME 04538	633-4261
Mary Brewer	Box 113	Boothbay Harbor, ME 04538	633-4261
Bert Simmons		Bremen, ME	529-5168
Charles Begin		Boothbay Harbor, ME	633-5416
Jim Fowe	RR1, Box 397	Boothbay, ME 04537	633-3805
Fred Farhem	193 Lobster Cove Rd.	Boothbay Harbor, ME 04538	633-3805
Clive Farrin	36 Atlantic Ave.	Boothbay Harbor, ME 04538	633-4004
Shawn Murray		Boothbay, ME	633-7635
William Hallman		Boothbay Harbor, ME	633-4156
William Reilly		New Harbor, ME	677-3716
Albert Westhaven	PO Box 88	Bristol, ME 04539	563-5614
Mark Jones	PO Box 214	Boothbay, ME 04537	633-6054
Brian Pearle	492 River Road	Edgecomb, ME 04556	633-5246
Robert Begin	PO Box 792	Boothbay Harbor, ME 04538	633-5416
Marc Curtis		Boothbay Harbor, ME	633-4454
Michael Dawson	PO Box 194	Bristol, ME 04539	563-1562
Rep. Ken Honey	PO Box 6	Boothbay, ME 04537	633-5560

TASK FORCE TO STUDY SHRIMP LIMITED ENTRY MEMBERS MEETING MINUTES/JULY 6, 1999

Present:

Task Force Members: Marshall Alexander, Roger Libby, Jon Norton, Craig Pendleton, Kelo Pinkham, Dan Schick, Proctor Wells

Others Attending: Maggie Raymond, Commissioner George Lapointe, Chris Finlayson and Laura Taylor

The meeting was held in the Commissioner's Office in Hallowell and began at 1:15 p.m.

➤ Introductions

Commissioner George Lapointe called the meeting to order and Task Force members and others in attendance introduced themselves.

➤ Task Force Charge from the Legislature

Under Resolve 69 the Legislature has instructed the Department of Marine Resources (DMR) to establish a task force to "study whether access to the Gulf of Maine shrimp fishery should be limited for the purpose of conserving the shrimp resource." The Task Force must report back to the Legislature's Marine Resources Committee by November 15, 1999. It was noted that the scope of the Task Force is within the area of limited entry which may be interpreted broadly but the timeline is fairly tight to meet the statutory deadline.

M. Raymond asked for clarification regarding whether or not the legislature was looking for a "yes or no" answer from the Task Force. G. Lapointe stated that the charge from the Task Force was not specific, but providing a recommendation to the Marine Resources Committee with solid reasoning would be the best course of action.

M. Alexander voiced concerns over the ability of the state to regulate the fishery based on effort if you cannot control the number of individuals in the fishery (see discussion on page 2). Concerns were also raised about people from out-of-state being able to gain entry into Maine's fishery. Preserving current investments in the fishery should be an objective. Displaced effort from other declining fisheries is believed to be shifting into the shrimp fishery. M. Alexander noted that there are very few big boats left in Maine due to the decline in other fisheries and these boats are locked out of most other fisheries. Lobster boats with large engines are of great concern to the big boat fleet.

➤ Elect Chair

C. Pendleton nominated Proctor Wells as Chair and the Task Force agreed by consensus with this nomination.

➤ **Shrimp Management Overview**

D. Schick gave a brief overview of the management of shrimp in the Gulf of Maine..

➤ Shrimp fisheries is managed by Atlantic States Marine Fisheries Commission, Shrimp Section; three members from each state participate in the Shrimp Section meetings. For Maine, Senator Jill Goldthwait, Commissioner George Lapointe and Pat White are members of the Shrimp Section. Senator Goldthwait is chair.

➤ Shrimp Fisheries Management Plan was established by ASMFC

- brought into being early - mid 1970's
- 1986 final plan adopted by ASMFC
- plan manages shrimp resource based on optimum yield
- biological assessment and economic considerations are taken into account to establish the annual catch
- annual stock assessment by technical committee recommends catch limits
- Shrimp Section votes annually on catch limits and open days for fishing based on technical committee recommendations and industry advisory panel advice

The Legislature passed a bill this session, L. D. 1829, which establishes a commercial shrimp license. A copy of the bill was passed out to the Task Force. Establishing a shrimp license should help more accurately determine the number of individuals fishing for shrimp in Maine waters. The DMR has a list of individuals who indicated on their commercial fishing license application that they fished for shrimp, but the new license will provide a more accurate picture and will require license holders to maintain a logbook. The DMR intends to adopt rules to specify the shrimp logbook requirements.

➤ **Discussion of Initial Thoughts from Task Force**

C. Pendleton encouraged the Task Force to focus on controlled entry instead of limited entry. He does not want to limit people who have historically fished. Boats should not be used as in other Federal limited entry systems, instead use the individual's history. The individual should be responsible for his/her own actions. For example, in the whiting fishery an individual may have caught whiting under a different boat name so he/she would be out of the fishery under the current system if the boat has changed. Having a mechanism to handle the number of licenses available will help with the "fudge factor" part of the assessment. The shrimp resource is limited and requires severe restrictions.

M. Alexander stated that the season is set by controlling effort so effort needs to be limited through entry.

R. Libby feels that the draggers want protection from other harvesters through limited entry.

J. Norton voiced concerns about limits on the number of individuals based on how the season went this year. There were no limits on the number of individuals, but people chose not to go and that had a negative affect on the processors. He would like to see a system where there is flexibility for some people to enter if others chose not to fish. P. Wells agreed that the object should be to leave as many options open as possible. R. Libby noted that the limited groundfish days already lock people into the shrimp fishery.

M. Alexander believes that weather played a big role in 1999 season because many of the days open to shrimp fishing were bad weather days. Labor is currently more difficult to find. J. Norton felt that the problems in 1999 were brought about by fear. Reducing the risk factor would help. Individual participants in the fishery need assurance but also the industry as a whole needs to be sure policies make sense for the survival of the entire industry.

C. Pendleton wants to avoid putting people in the position of being afraid that if you don't fish you will be locked out. There has to be flexibility to exit and enter the fishery.

M. Alexander suggested license eligibility be based on having a multispecies permit.

R. Libby believes that lobster boats have more horsepower and more speed therefore can keep ahead of draggers. He is concerned about the competition.

J. Norton shared an example from the Boston Seafood Show in which a point system has been established for booth space depending on how many years you've participated in the Show. Each year you fish you could increase your points. M. Raymond noted that setting up a system to allow flexibility to enter and exit a fishery is in contrast to limited entry. Given Jon's example, how do we determine how many boats are enough?

J. Norton believes the system we have now is most equitable to the individual, but not the industry as a whole.

M. Raymond voiced concern that Maine is potentially shifting the 90% of the fishery we hold out of Maine. M. Alexander did not believe this will be the case because the only place that can grow in the shrimp fishery is in Maine.

C. Pendleton believes that the goal is to develop something reasonable for entry in Maine that will help when/if the ASMFC Shrimp Plan is open.

P. Wells wouldn't want to make changes that would change the structure of the fishery.

J. Norton noted that it is important to update MA and NH as the Task Force works on limited entry options to get them to buy in to the result.

L. Taylor advised the Task Force that focusing first on the goals or objectives of a limited entry system is an important step so that as options are reviewed, the Task Force can see how those options address the objectives. G. Lapointe concurred and reminded the Task Force that we will need to document the pros and cons of the options we present to the Legislature.

P. Wells asked the Task Force "what would qualifying criteria look like?" J. Norton noted that the shrimp fishery is different than groundfish and therefore should not have the same criteria. C. Finlayson asked the Task Force to clarify "What do you want to accomplish with limited entry?"

D. Schick feels there needs to be a system in place that can expand and contract with resource because the shrimp resource is so dynamic. M. Alexander believes Maine has already experienced the maximum number of boats participating in the fishery so expansion is not an issue. R. Libby noted that those historically in the fishery have been around for low times so the fishery shouldn't be opening up for new boats when things get better.

J. Norton stated that current harvesting regulations do not look at the land side and market demands. The Task Force needs to establish objectives for limiting entry.

M. Raymond wants to assure vessel access based on boat capacity. There need to be larger boats in the shrimp fishery that can fish offshore and carry ice.

J. Norton reminded that Task Force that we need to have coordination with ASMFC. M. Alexander wants the Task Force to focus looking at how we limit entry in Maine, regardless of ASMFC. However, ASMFC may be using Maine as an example in the future.

➤ **Background Staff Research Needs of Task Force**

The Task Force asked for information on shrimp licenses (year/# individuals/# boats number of trappers, etc.) which will be provided.

R. Libby asked if the landings data can be divided between within 3 miles and beyond 3 miles. D. Schick replied that the data would take a great deal of manipulation to do this.

➤ **Establish Future Meeting Schedule**

The Task Force has been asked to report to the Legislature by November 15, 1999. Therefore, the time schedule is tight. The next two meetings from the Task Force will be held on Friday, July 23 in Hallowell from 1:00 p.m. to 4:00 p.m. and on Monday, August 16 in Hallowell from 1:00 p.m. to 4:00 p.m.

The Task Force also discussed how to be sure other members of the shrimp industry are involved in the discussions about limited entry. Members discussed sending out a letter to license holders regarding the Task Force and soliciting input. Public information meetings were also discussed.

TASK FORCE TO STUDY SHRIMP LIMITED ENTRY MEETING MINUTES/JULY 23, 1999

Present:

Task Force Members: Roger Libby, Jon Norton, Kelo Pinkham, Dan Schick, Proctor Wells

Others Attending: Laura Taylor, Craig Sproul, and Artie Odlin.

The meeting was held in the Commissioner's Office in Hallowell and began at 1:15 p.m.

The minutes for the July 6 meeting were approved with the changes to page 2, second bullet per e-mail from Craig Pendleton. *(C. Pendleton encouraged the Task Force to focus on controlled entry instead of limited entry. He does not want to limit people who have historically fished. Boats should not be used as in other Federal limited entry systems, instead use the individual's history. The individual should be responsible for his/her own actions. For example, in the whiting fishery an individual may have caught whiting under a different boat name so he/she would be out of the fishery under the current system if the boat has changed.)*

The Task Force was asked to consider and discuss the following three questions:

- 1) What are the problems we are trying to address with limited/controlled entry?
- 2) What are we trying to accomplish?
- 3) What are the pros and cons of limiting/controlling entry in the shrimp fishery?

What are the problems we are trying to address with limited/controlled entry and what are we trying to accomplish?:

P. Wells commented that the potential for influx into shrimp now that other fisheries are limited is driving the need for limited entry. K. Pinkham conceded that limiting "for conservation" may not be the case with the shrimp industry.

R. Libby declared that he would like to see a control date for implementing any limited entry approach so that there is not a flood of people trying to gain entry before something happens to limit entry. Log sheets should be required of harvesters and people should be required to have some amount of landings with limited entry.

J. Norton agreed that limiting entry will not in itself conserve the shrimp resource. Controlling entry will aid in good regulations to conserve the resource. There needs to be a method to control high landing years of the shrimp fishery. Controlled entry on the harvesting side won't make sense if there aren't controls on the processing sector as well.

C. Sproul expressed concern about the Task Force getting into rights issues. He suggested basing entry on historical landings. The key is to make the industry less volatile. There should be a set number of individuals in business and the entry program should establish the initial number. Shrimping has always been a part-time fishery and the volatility of the shrimp resource is the issue.

P. Wells if the stock assessment allows for more catch in one year, how do we allow people to enter?

C. Sproul feels we are getting ups and downs based on harvesting times. J. Norton remarked that the shrimp fishery reacts quickly to environmental conditions which is what is driving the volatility.

K. Pinkham believes that there are only a certain number of medium sized boats that are surviving along the Maine coast and we should be trying to preserve those that are remaining through limited entry.

The legislation asks the Task Force to "study whether access to the Gulf of Maine shrimp fishery should be limited for the purpose of conserving the resource." P. Wells asked Dan Schick if limited entry would conserve the shrimp resource?

D. Schick replied that the size of the shrimp resource varies a lot and depends on success of larvae survival which is controlled by sunlight and water temperature. The year class survival is the key signal for a particular shrimp stock. There is some parent/progyny relationship so that a strong adult year class will spawn a strong year class, this is linked to temperatures. The record is shaky as to which factor is more controlling. The environment has a strong impact on how many larvae survive. If we see a good year class coming on, then we should slow down to try to spread out the good year class over 3 years. If you start to get in a string of years that are not productive year classes, then there could be a limited effort plan in place that could help with conservation. The large boats that have survived in the fishery must be able to fish at night to make ends meet.

If we could limit (effort) entry during the years where females needed to survive this would help conserve the resource at critical times. We could set a lower biological limit that, when reached, would trigger a limited entry system. Those allowed into the fishery during those years would be based on historical landings.

From an economic and historical fishing point of view, limited entry can be justified more easily. The goal is to allow a number of boats that have been in the fishery to make a reasonable living each year, regardless of biology. The economic incentive will keep people out in down years because it won't be worth it. The fear that is driving limited entry in the shrimp fishery is that the economic choice for shrimp is not regulated so that if other fisheries are doing even worse, then they will opt to go shrimping even in bad times, in this sense, limiting entry is a step to safeguard the fishery from more participants in years even when the catch is down.

K. Pinkham questioned what assurances are available to fishermen that it would help if they were to get a good year and leave some shrimp in the water now.

D. Schick reasoned that if you wait, for example, from age 4 to 5 you would catch most of them the next year. It depends on the age of the shrimp that are left. If lobstermen no longer have viable alternatives in their own fishery, then they shift to shrimp.

J. Norton believes the problem we are trying to address is to avoid potential influx beyond historical participants.

R. Libby remarked that the shrimp industry has no other options than to limit entry now that all the other fisheries are limited. He doesn't think good years can address the conservation issue because it is driven by environmental factors. He raised concerns about ending up on a quota system.

C. Sproul reminded the Task Force that traps are not as flexible as dragging. He is concerned about logbooks; reports already go to NMFS from processors. Is there a comparison of landings between shrimp and others species available? D. Schick said there is currently no analysis. It could be done, but would take some time.

J. Norton suggested that limited entry be used as a tool in the overall management scheme. The objective is to get the maximum number of participants to make management more precise and make a difficult to manage fishery more easy to manage. We are trying to get more stability and take some volatility out. We will not be able (both harvester & process side) to control all volatility because of the environmental factors. Anytime we try to limit entry, then we may shift and have other consequences. For example, this year's downturn could have been worse if there was limited entry and not better.

What are the pros and cons of limiting/controlling entry in the shrimp fishery?

P. Wells responded --

Pro:

- during poor recruitment years, there is a mechanism to reduce effort
- would establish a known effort which would allow science to have some good knowns

Con:

- no matter how you design it, someone will be put out causing economic hardship

P. Wells would like to see medium size fleet maintained. Helping maintain/protect fishing communities is a goal that limited entry could accomplish. He has concerns that the shrimp fishery is one of the last fisheries without controls, therefore the potential for escalation on effort is high.

K. Pinkham responded --

Pro:

- reduce gear conflict

Con:

- reduce flexibility

R. Libby responded --

Pro:

- keeps groundfishermen fishing year round

He would like fishing from daylight to dark. There needs to be a mechanism to give processors some protection too.

D. Schick responded --

Pro:

- chance to make sure down years are not overharvested by economics in other fisheries
- if there was a limit on number of boats when fishing was down, then this would help

Con

- can only have some influence on environmental factors which drive the fishery
- number of boats that can survive in a low year vs. high year would need to be determined
- flat limited entry without flexibility is not a good idea
- some form of cap on rate of entry (i.e., controlled entry) would be effective

We are currently managing based on fishermen's choice to fish or not fish which we have is controlled by markets and economics. Other countries such as Canada are hard to compete with, therefore processors have a lot of competition. This needs to be taken into account.

Handout provided (see attached).

D. Schick explained that the "Maine Shrimp Check-off Listing" was a point value system based on number of seasons that a person declared that they had fished on the DMR commercial license application.

J. Norton has seen a flood of entrants when limited entry is discussed in other fisheries. Do we want to establish a date from this point back?

P. Wells asked the Task Force about establishing a control date. There is concern that people will be fishing this year just to get some documented landings for entry. We are trying to prevent build-up.

A. Odlin suggested that it is best to put in control date and criteria at the same time.

C. Sproul asked the Task Force to *look very carefully at implications of decisions* the group is making. There may be unforeseen consequences. L. Taylor also stressed that the Task Force needs to clearly define the goals of limiting entry and then revisit those goals to be sure that whatever the group decides will actually help achieve them.

P. Wells suggested establishing who would qualify as of a certain date. J. Norton warned that we stay away from control dates and suggested a point system based on history because it can evolve as fishery changes overtime and no one is locked out indefinitely. We need to keep flexibility in industry. P. Wells expressed concern that a point system would be too complex and difficult to administer. Where would you draw the line? How would you craft it to make if fair and equitable? Forces out of our control make it difficult to manage.

J. Norton asked the Task Force what level of detail are we trying to manage the shrimp industry? Do we want to just set a maximum cap on the number of fishermen and let the system remain flexible below that cap with a point system?

D. Schick suggested another scenario would be to set a minimum and allow build-up from there with a point system each year depending on the stock assessment.

The Limited Entry Report is due to the Marine Resources Committee by November 15. A. Odlin asked how the work of the Task Force plays with ASMFC process?

D. Schick remarked that ASMFC is beyond the scope of this Task Force, but because Maine is 85% of the fishery, other states will look closely at what the Task Force comes up with. At the last shrimp section meeting, discussion on any amendment to the Plan was tabled for 1 year. There are predictions that NMFS will put shrimp on the overfished list under the Sustainable Fisheries Act. This will force the NEFMC to address what to do about shrimp and perhaps drive ASMFC to look at the Plan.

A. Odlin commented that Jack Dunnigan (of ASMFC) said that if the ASMFC Plan amendment process is started now, it may put a hold on NMFS' listing. Where you land shrimp will drive outside boats and which restrictions with which they will have to comply.

J. Norton asked the Task Force to consider what are we trying to accomplish?

P. Wells responded that we are trying to maintain current effort based on historical participation. We are not trying to reduce effort, but maintain effort as it is currently in the fishery. Controls on entry should apply to draggers and trappers.

R. Libby suggested that we could maintain/ control effort using a 3 month season.

J. Norton suggested using Maine legislation to cap effort and use ASMFC regulations for refining that management system.

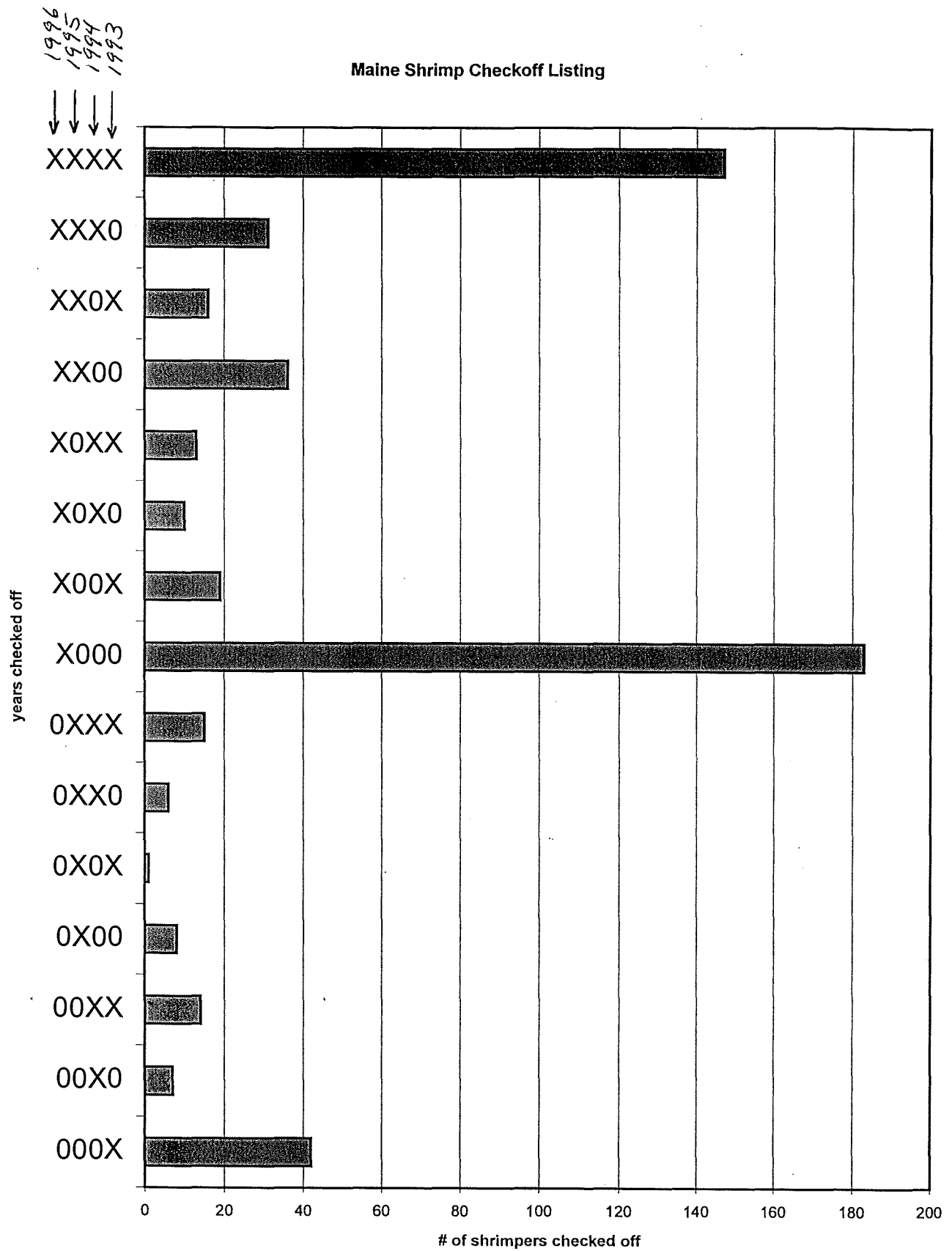
D. Schick believed limited entry serves less of a purpose to conserve the resource if it is just a cap vs. if it is a flexible point system. There is enough boat capacity now to fish out stock and limiting entry is not a strong way to manage the resource.

J. Norton agrees with capping pretty much where we are now. What are we controlling? Number of individuals or number of boats?

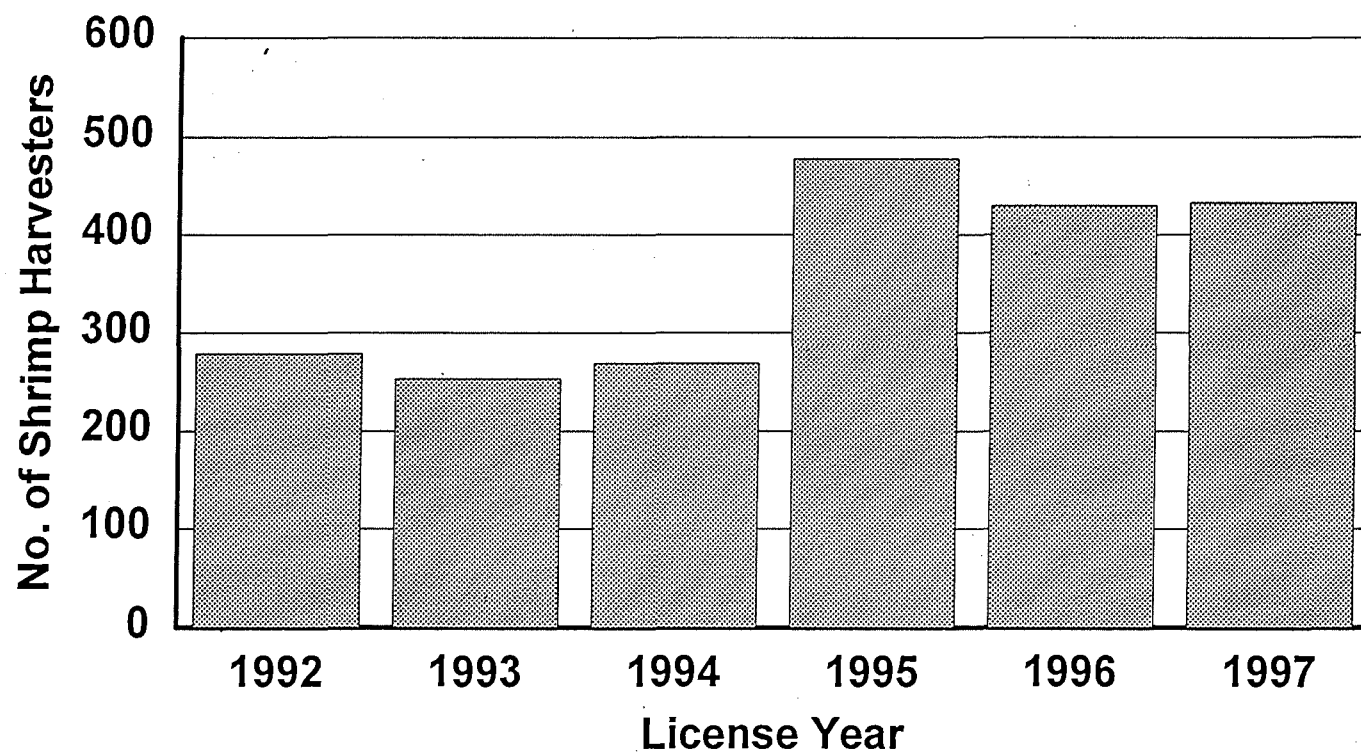
P. Wells suggested there would need to be an individual attached to a boat.

L. Taylor suggested that the Task Force use the next meeting to go through a series of ideas on how a controlled entry system may look for the shrimp fishery. She will provide the Task Force with a summary of the ideas to date and provide additional data on the potential population of Maine shrimp harvesters before the next meeting. The Task Force will go through an exercise to review options during the next meeting.

The next meeting of the Task Force will be held on Tuesday, August 16 at 1:00 p.m. in the Commissioner's Office in Hallowell.



Estimated Maine Shrimp Harvesters by Year



Licence Year	No. of Shrimp Harvesters
--------------	--------------------------

1992	279
------	-----

1993	253
------	-----

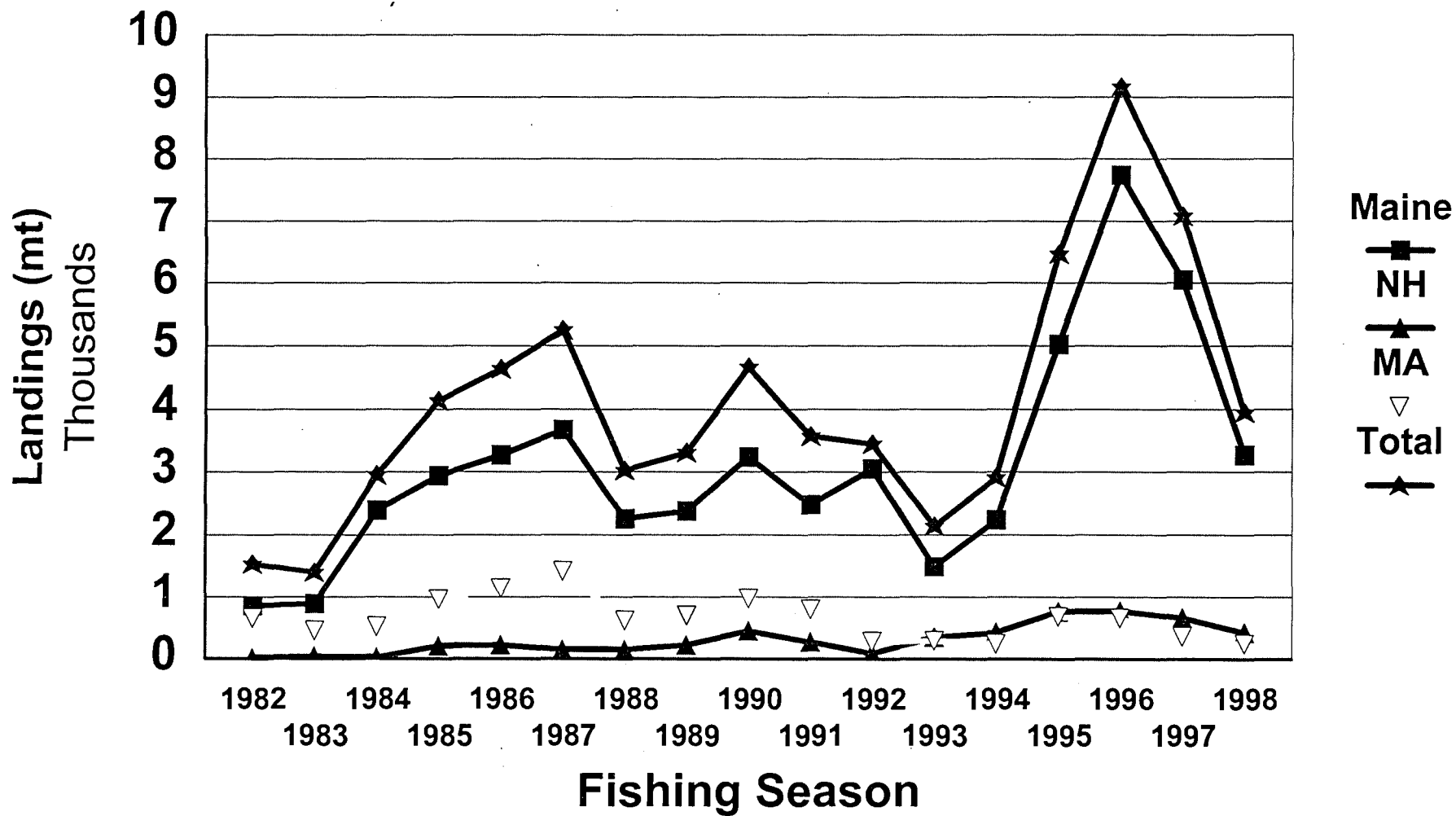
1994	269
------	-----

1995	477
------	-----

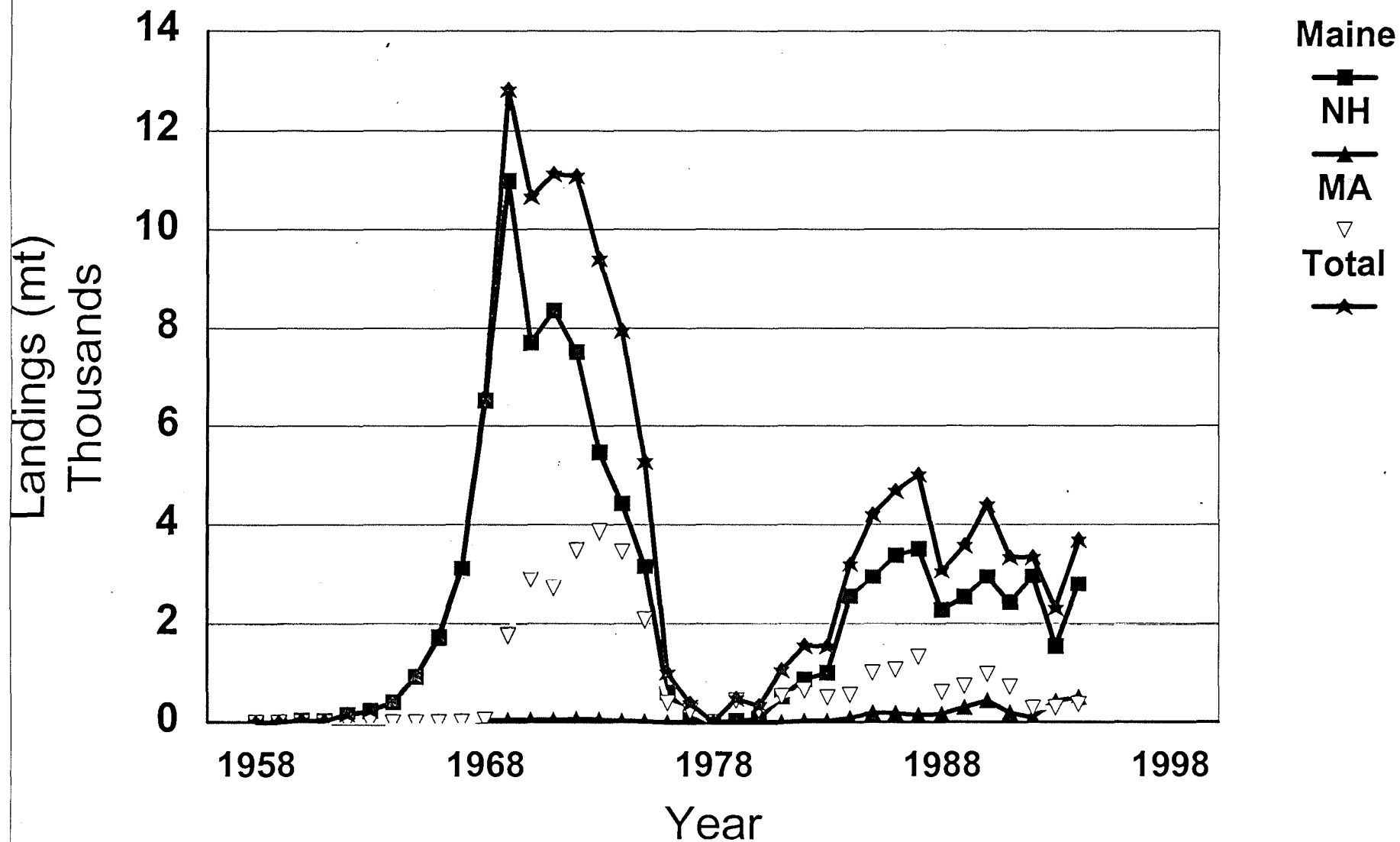
1996	429
------	-----

1997	432
------	-----

Seasonal Shrimp Landings in the Gulf of Maine by State



Annual Shrimp Landings in the Gulf of Maine by State



TASK FORCE TO STUDY SHRIMP LIMITED ENTRY MEETING MINUTES/AUGUST 16, 1999

Present:

Task Force Members: Mark Cheney, Roger Libby, Craig Pendleton, Kelo Pinkham, and Dan Schick
Others Attending: Laura Taylor, Ed Thorbjornson, Chris Finlayson.

The meeting was held in the Third Floor Conference Room in Hallowell and began at 1:15 p.m.

The minutes for the July 23 meeting were approved with one change on Page 3 attributing comments to Kelo Pinkham.

L. Taylor asked the Task Force to review the draft document sent out with the meeting notice which brought together ideas from the first two meetings on to one page describing the goals, objectives, and pros and cons of limiting entry into the shrimp fishery (see attached draft). C. Pendleton suggested the words "medium sized" under the forth bullet of the objectives section be deleted. The objective is to maintain the fleet, regardless of size. Craig also recommended deleting the word "regardless" in the description of the goal and replacing it with "recognizing". Both of these changes were agreed to by the Task Force.

L. Taylor reminded the Task Force that this document is still in draft form and any and all comments are welcome.

The Task Force then turned to a discussion of the possible weighting mechanisms that could be used if a limited entry system was developed. D. Schick presented a sample table that used history as holder of a Maine commercial license with a shrimp "check-off". This data is available back to 1992. The sample data were weighed using different weighting methods that Dan explained. There is no individual landings data that can be used in this weighting system because the Department does not have that data.

The discussion of the Task Force moved to consider which information should be considered and weighted in a limited entry scheme. K. Pinkham noted that the people who are most dependent on the shrimp fishery should get the most weight under any scheme. Members of the Task Force felt that the criteria should be different between the dragger fleet and the trappers because the fishery is so different. The trapper representative on the Task Force supported this concept. Other members felt more credit should be given to those people who hold a Limited Access Multispecies permit from NMFS.

Some members of the Task felt that those people who have been involved in the most recent years while the fishing was poor should be given greater weight. However, others disagreed stating that the people who have not been fishing during the poor years were in fact helping the resource recover and therefore shouldn't be penalized. C. Finlayson noted that these questions when setting up limited entry are the most difficult.

Many members of the Task Force felt that they did not want to create a system that excludes people that fished in 1998, because these people are probably most dependent on the resource.

The Task Force considered:

- recent history and holders of a L.A. Multispecies permit as deserving of the greatest weight;
- separating dragging and trapping license criteria to avoid gear conflict and help in data collection;
- transferability of a license to family members;
- weighing the poor recruit years greater than the high landing years because these are the people who stuck it out during the hard times (not opportunists);
- starting with whoever gets a license next year and working from there with some sort of "use-it or lose-it" system;
- a maximum cap on boat size.

One scenario that the Task Force considered was:

Draggers:

- held a Maine commercial fishing license in 1999 or a L.A. Multispecies permit; and
- no greater than 1,000 horsepower and 100 feet boat; and
- 5 year history of participation in the shrimp fishery.

Trappers:

- held a Maine commercial fishing license in 1999 or 1998; and
- fished for shrimp in the past 3 years.

The Task Force needs to address two issues: 1) what criteria should be used to limit the number of licenses and 2) once limited, how do new people enter the fishery? The DMR will generate more scenarios for use at the next meeting to help answer these two questions.

The next meeting is scheduled for Tuesday, September 14 at 3:00 p.m. in Hallowell.

What are the concerns we are trying to address?

The shrimp fishery is one of the last fisheries without controls, therefore the potential for escalation on effort is high. The problem we are trying to address is to avoid potential influx beyond historical participation.

What is the goal of limiting entry?

To aid in maintaining and protecting fishing communities by allowing a number of boats that have historically been in the shrimp fishery to make a reasonable living regardless of the biological volatility.

What are the objectives of a limited entry system?

- allow the maximum number of historical participants
- make management more precise and manageable
- create more stability and less volatility in the shrimp fishery
- preserve remaining medium size fleet in Maine
- enhance regulations to conserve the resource
- maintain traditional part-time nature of fishery
- avoid quota system
- provide a tool in the overall management system
- shared responsibility with both harvesters and processors
- apply to both draggers and trappers

What are the pros and cons of limiting/controlling entry in the shrimp fishery?

Pros:

- reduce gear conflict
- during poor recruitment years, there is a mechanism to reduce effort
- would establish a known effort which would allow science to have some good information
- keeps groundfish fishermen fishing year round
- chance to make sure shrimp down years are not overharvested by economics in other fisheries (i.e. influx from other fisheries)
- if there was a limit on number of boats when fishing was down, then this would help

Cons:

- reduce flexibility
- no matter how you design it, someone will be put out causing economic hardship
- can only have some influence on environmental factors which drive the fishery
- number of boats that can survive in a low year vs. high year would need to be determined
- ◆ flat limited entry without flexibility is not a good idea
- ◆ some form of cap on rate of entry (i.e., controlled entry) would be effective

What are the criteria that should be used to limit entry into the shrimp fishery?

TASK FORCE TO STUDY SHRIMP LIMITED ENTRY MEETING MINUTES/SEPTEMBER 14, 1999

Present:

Task Force Members: Marshall Alexander, Mark Cheney, Roger Libby, Jon Norton, Craig Pendleton, Kelo Pinkham, Dan Schick and Proctor Wells.

Others Attending: Laura Taylor and Chris Finlayson.

1. Welcome and Approval of Minutes (*August 16, 1999*)

The meeting was held in the Commissioner's Office in Hallowell and began at 3:20 p.m. Proctor Wells chaired the meeting. Minutes for the August 16 meeting were reviewed and approved by the Task Force.

2. Review and Approve Draft Document

L. Taylor asked the Task Force to review the draft document sent out with the meeting notice which brought together ideas from the first three meetings to describe the goals, objectives, pros and cons, and draft criteria for limiting entry into the shrimp fishery (see attached draft). L. Taylor reminded the Task Force that there will need to be a public meeting(s) held with other members of the shrimp industry to get their feedback on these ideas. The goal is to have a short document to take out to other members for discussion. C. Finlayson recommended that instead of having the Task Force decide on a single option, the Task Force take several options out to the meetings for discussion purposes.

3. Discuss and Decide What Criteria to Use to Limit the Number of Licenses

M. Cheney expressed concern over the three year trapper requirement in the draft criteria for a shrimp trapping license proposing that this may be too restrictive. C. Pendleton suggested that anyone who purchased a commercial fishing license after May 24, 1999 (the end of the shrimp season) not be eligible for a license. P. Wells suggested using the words "landed shrimp" instead of "fished for shrimp" as a basis establishing eligibility.

D. Schick provided some information about the number of participants in the shrimp fishery based on the commercial fishing license. The key is to try to manage the number of boats so that there is flexibility in the good years to expand. C. Pendleton suggested that the system not be too complicated. Even if the broadest possible baseline is established as a cap (roughly 400 boats), this is more of a cap than exists now. If we work from there, that would be a start. M. Cheney stated that the broadest license limitations should apply to both the draggers and trappers.

J. Norton asked D. Schick how many participants had been in the fishery from 1992 through 1998. The answer was roughly 150 individuals that continuously participated throughout those years. The biggest increase was from 1994 to 1995 when shrimp harvesters went from approximately 250 to 475.

J. Norton suggested that licenses should be issued to boats not individuals based on the federal licensing system. G. Lapointe recommended that the Task Force be able to explain why licensing boats was better. L. Taylor reminded the Task Force that the shrimp licensing

legislation had just passed and the Legislature had deliberately established it as an individual license. The new shrimp license for the 2000 fishing season would be issued to the individual. Any suggested changes by the Task Force would not be in place until the 2001 season.

M. Alexander acknowledged that the legislation says individual, but strongly supported suggesting to the Legislature that the license be changed to a boat license. The transfer of the license should be set up like the state mooring plan. M. Alexander argued that the boat is the true measure of effort and therefore licensing of the boat would give a better handle on the effort on the resource. The species is primarily offshore and therefore we should mimic the federal system.

C. Pendleton was uncertain if a boat license was the best approach. In the groundfish fishery, individuals who had been involved in the fishery for many years were shut out because their boat did not have history even though the individual did.

L. Taylor asked the Task Force what they are trying to achieve with limited entry. P. Wells replied that he felt they were shooting to capture 98-99% of the boats that fish for shrimp now. The goal is to define criteria that includes nearly everyone in the fishery and set that as a cap.

One criteria suggested was limiting licenses to those people who hold a Limited Access Multispecies license. D. Schick calculated that there are roughly 107 Maine fishermen who hold both a Multispecies license and fish for shrimp based on the federal licensing data and the Maine commercial fishing license data. Limiting the license to the federal Multispecies holders was deemed too limited. M. Alexander stressed that some landings history was really what needed to be documented. The Task Force decided to craft several options for consideration at public meetings at which further input will be gathered. Following is the draft criteria discussed by the Task Force:

- The license should be on the vessel, not on the individual. However, to qualify for a license in 2001, individual history will be used as that is how the current commercial fishing license has been issued by DMR.
- The license should be divided into a shrimp dragging license and a shrimp trapping license.
- Shrimp Dragging License: To be eligible for a shrimp dragging license in 2001, a vessel must:

Option 1 - Have held a 1999 Maine Commercial Fishing license as of May 24, 1999; or
Option 2 - Have held a Maine Commercial Fishing license during 3 of the years between 1995-1999 inclusive.

AND

Option 1 - Document shrimp landings of at least 10,000 pounds in any 1 year of the years between 1995-1999 inclusive;

or

Option 2 - Document shrimp landings of at least 10,000 pounds in 3 years out of the years 1995-1999;

or

Option 3 - Document shrimp landings of at least 10,000 pounds in 1999.

(landings can be documented using multispecies logbooks, sales slips, etc.)

- Shrimp Trapping License: To be eligible for a shrimp trapping license in 2001, an individual must:

Option 1 - Have held a 1999 Maine Commercial Fishing license as of May 24, 1999; or

Option 2 - Have held a Maine Commercial Fishing license during 3 of the years between 1995-1999 inclusive;

or

Option 3 - Have held a Maine Commercial Fishing license during 1 of the years between 1995-1999 inclusive.

AND

Option 1 - Document shrimp landings of at least 5,000 pounds in any 1 year of the years between 1995-1999 inclusive;

or

Option 2 - Document shrimp landings of at least 5,000 pounds in 3 years out of the years 1995-1999;

or

Option 3 - Document shrimp landings of at least 2,500 pounds in any 1 year of the years between 1995-1999 inclusive.

(landings can be documented using multispecies logbooks, sales slips, etc.)

Finally, the Task Force discussed the option of limiting the number of dealers and/or processing licenses issued. The following criteria was drafted for discussion purposes:

- Dealer/Processor Shrimp Permit: To be eligible for wholesale seafood license with a shrimp permit in 2001, an individual must:
 - a. Have held a wholesale seafood dealers and/or processing license in 1 of the years between 1995-1999 inclusive;

AND

- b. Handled at least 10,000 pounds of shrimp in any 1 year of the years between 1995-1999 inclusive.

5. Determine How and When New People will Enter the Fishery

The Task Force then focused their discussion on the topic of how and when people will enter the fishery after a cap on licenses has been established. The Task Force determined that the preferred option is to have a boat license established that is transferable with the boat like the federal boat license.

An appeals process was also discussed which would allow people to appeal a license denial if they were ineligible due a medical reason or service in the armed forces.

6. Develop Public Outreach Process and Schedule Meetings

L. Taylor suggested that the public meetings should be scheduled to get feedback from other members of the industry about the draft options for shrimp license criteria. The Task Force determined it needed one more meeting to discuss the draft document before it is sent out for discussion.

The next meeting is scheduled for Wednesday, September 29 at 8:00 a.m. in Hallowell.

Two public meetings to discuss the draft document are tentatively scheduled for Monday, October 18 at 6:30 p.m. in Portland and Thursday, October 21 at 6:30 p.m. in Rockland. Location to be determined.

TASK FORCE TO STUDY SHRIMP LIMITED ENTRY MEETING MINUTES/SEPTEMBER 29, 1999:

Present:

Task Force Members: Marshall Alexander, Mark Cheny, Roger Libby, Craig Pendleton, Kelo Pinkham, Dan Schick, Proctor Wells.

Others Attending: Maggie Raymond, Laura Taylor, George Lapointe, Spencer Fuller, David Etnier

1. Welcome and Approval of Minutes (September 14, 1999)

Marshall Alexander commented that the report from the Task Force needs to be solid and tight for legislature. P. Wells stated that the goal of limiting effort now is to cap effort and hold the line where it is. M. Alexander suggested that in capping effort too broadly though you don't want to create a scenario like in the groundfish fishery where each permit is worth so little it is meaningless.

Proctor Wells opened the meeting as chair and asked the Task Force to review the minutes. Maggie Raymond asked for clarification on the second to last paragraph on page one. The 150 number refers to the number of individual that have been in the fishery consecutively each year from 1992 through 1998.

The Task Force discussed the portion of the minutes referring to limiting the number of dealers and determined by consensus of those present that this option should not be part of the draft proposal.

The Task Force approved the minutes.

The Task Force discussed the location and times for the public meetings to discuss the draft proposal. The October 18 meeting is scheduled for Portland but the time is in conflict with an Associated Fisheries meeting. Therefore, the Task Force decided to change the meeting time to 4:00 p.m. on the same day. A second meeting is scheduled for October 21 in Rockland. It was suggested that a third meeting be held in the Boothbay area, therefore a third meeting is scheduled for October 26.

2. Review and Approve Draft Document #3

L. Taylor reviewed objective/guidelines:

PROBLEMS/ISSUES:

- To Avoid potential influx beyond historical participants.

OBJECTIVES:

- Create a more precise/manageable shrimp fishery
- Create more stability and less volatility in the shrimp fishery
- Preserve remaining *Maine commercial shrimp* fleet
- *Cap at current number/effort*
- Enhance regulation to conserve the resource
- Provide a tool in the overall shrimp management system.

GUIDELINES:

- Allow the maximum number of historical participants

- Maintain traditional part-time nature of the fishery
- Share responsibility in management process with both harvesters and processors
- Apply to both draggers and trappers
- Avoid use of quotas

M. Alexander suggested that "shared" in terms of processors needs to be clarified to mean involved in process (change words). Craig Pendleton asked to clarify "preserve remaining fleet" objective in order to be sure it referred to the Maine shrimp fleet specifically.

George Lapointe asked the Task Force to clearly articulate what is intent of Task Force in terms of entry - to cap participation or to reduce participation? This is a critical point that the Task Force need to be clear about. C. Pendleton suggested that the Task Force is crafting in Maine the license and logbooks to get a handle on effort and right now we don't want to craft something that limits people. P. Wells agreed that with effort being an unknown, the goal is to cap effort where it is until we have more information and have effort as a known quantity. This gives us a starting point so you know how many people you actually have as participants.

M. Alexander questioned if capping may be too high. P. Wells warned the Task Force against designing a plan that looks like a federal plan. M. Alexander suggested that along with report, the DMR should send along advice on how many vessels may be too much. D. Schick replied that this would be difficult without criteria on how many is too much. For example, too much based on a given rate of catch per vessel, on a given density, etc.; there are many variables that could be considered. M. Alexander understands that there are variables, but asked what information is used now with which to base the assessment. D. Schick responded that the assessment uses recent history, catch per day, total catch and uses federal logbook data expanded to whole fleet. Limiting catch is good which translates into how many days fishing can occur. Which months fishing occurs, gives you different catch per day. M. Cheney commented that trappers only got 60 days.

P. Wells suggested rewording the objective to "preserve remaining fleet" to "cap effort at current level". C. Pendleton asked if we can look at landings to prove participation. P. Wells suggested that we don't know what current effort really is.

M. Raymond asked the Task Force to consider that there are roughly 13 boats over 70 feet that have dabbled in shrimp that may not qualify under the options suggested in Draft #3, but they nevertheless need shrimping as an option now to keep crews on board during the slack times. M. Alexander concurred with Maggie's point suggesting that it is important because they go shrimping to make ends meet.

G. Lapointe suggested that there is a big difference in 1,000 pounds over 10 years as opposed to 10,000 pounds over 1 year. Which are you talking about?

D. Etnier suggested that the question of capping current effort or decreasing effort is part of the decision regarding how people get in the fishery.

R. Libby remarked that there might be an emergency bill to make shrimp a boat license. M. Alexander supports the need for a boat license. However, it was suggested by G. Lapointe that the Task Force might place the whole report at risk if it hinges on a boat license. P. Wells stated that the boat license is not critical to the whole proposal so it should not fly or die based on it. M. Alexander stated that we should explain to legislature why boat license is necessary. L. Taylor suggested that the report could be written to suggest a boat license without the whole proposal hanging on it.

L. Taylor asked the Task Force to clarify if they are trying to cap effort for now. C. Pendleton replied that yes, trying to cap effort and establish number that we can work with is the goal. The widest window of shrimp landings. D. Schick stated that between 1995 and 1996 there was a spike in the landings. Therefore, P. Wells suggested going back to 1994 to include the highest landing year when the most participants would be included.

The Task Force agreed that 1994 should be used as the baseline date in order to include the most participants based on the high landings. This is also the year in which federal logbooks were implemented.

The Task Force decided that presenting several options is confusing and therefore the draft for public comment should have one recommended option for discussion.

- The Task Force determined that there should be a separate trapper and dragger license established recognizing that there are separate characteristics between the two gear types. Individuals cannot hold both a trap and drag license. This will be for the 2001 license year. By 2002, therefore, levels of effort in terms of number of licenses will be known.

TASK FORCE RECOMMENDATIONS:

To qualify for a 2001 shrimp license:

- Held a commercial fishing license in any one of the years between January 1, 1994 to May 24, 1999; **and**
- Landed 10,000 pounds in any one year from January 1, 1994 to May 24, 1999 for a Shrimp Drag License; **or**
- Landed 5,000 pounds in any one year from January 1, 1994 to May 24, 1999 for a Shrimp Trap License.

LANDINGS:

- Proof of landings include either documentation in a federal multispecies logbook **or**
- Sales receipts to license seafood dealer.

QUALIFICATION:

- Must be done by December 31, 2001.
- After January 1, 2002 must have held a license in previous calendar year.
- No new entrants should be permitted at this time because the cap that has been established already includes enough participants based on estimated figures.
- Once qualified, need to renew license each year but do not need proof of landings.

BOAT LICENSE:

- Recommend switching from an individual license to a boat license. Then, the boat license would be transferable with the boat.

REPORT:

- Once all people qualified by 12/31/2001 the number of trap and drag licenses will be known. A Report to 121st Legislature in 2003 should be required to determine if further measures regarding entry should be made including transferability and new entrants.

CREW LICENSE:

- The Task Force discussed proposing an individual crew license option that identifies the boat to document participation in fishery so that entry in the future can be targeted to those people who have been involved in the fishery.

After 2002, the fishery could be regulated using the number of days with a fixed number of participants.

M. Alexander advocated that the first people to get a new license should be crewmembers.

TASK FORCE TO STUDY SHRIMP LIMITED ENTRY MEETING MINUTES/December 7,1999

Task Force Members Present: Marshall Alexander, Roger Libby, Craig Pendleton, Kelo Pinkham, Dan Schick, Proctor Wells

Others Attending: Ted Hoskins, Marshall Brewer, Ted Ames, and Robin Alden from the Stonington Fisheries Alliance; Commissioner George Lapointe, Penn Estabrook, Laura Taylor and Terry Stockwell from the Department of Marine Resources.

1. Welcome and Approval of Minutes (September 29, 1999)

Laura Taylor opened the meeting by reporting to the Task Force that Mark Cheney had resigned from the Task Force. His reasons given for the resigning were that shrimp trappers had not been supportive of limiting entry at the public meetings and the trap sector of the industry is very minor compared to the draggers. Therefore, Mark Cheney did not feel it was a good use of his time to attend the meeting. He did offer to review any documents and add a trapper's perspective if that was necessary.

L. Taylor also introduced Ted Hoskins from the Stonington Fisheries Alliance (SFA) who had concerns about the shrimp limited entry proposal as drafted. Others from the SFA joined the meeting later.

The Task Force approved the minutes.

2. Review Comments From Public Meetings

There were four informational meetings held in October on the draft limited entry proposal. Meetings were held in Portland, Rockland, Boothbay and Ellsworth. Commissioner Lapointe attended all four meetings and several Task Force members attended some as well.

Commissioner Lapointe gave an overview of the comments from the meetings. In Portland, there was a scheduling mistake so there was a conflicting meeting. However, the attendance was still good. This area had the most support for limited entry, but there was concern about the boat license suggestion in the draft document. Rockland's meeting focused on discussions about landing criteria and the need to account for people who are intermittently in the fishery. In Ellsworth there was no support for either limited entry or a boat license. The Stonington Fisheries Alliance came forward with an alternative proposal to control access. Boothbay shrimp harvesters were concerned with the proposed boat license and didn't support limited entry in general. However, Kelo Pinkam noted that all of the people who attended the meeting were the ones who didn't like the proposal while there were many who didn't mind the proposal so they stayed home. He thought the meetings were good and productive discussions.

A comment was made that requiring any landings history would penalize the small boat fishermen. Craig Pendleton suggested that if there was a plan on how people would be allowed into the fishery, and then there would be less opposition to limiting entry. The public comments generally fell into one the following issues:

- How does this plan fit in with ASMFC?
- Concerns about the boat license proposal
- How will future entry be determined?
- Concerns about access for the eastern half of the state when the fishery recovers
- Desire to provide a way for people to get in during the winter months to keep flexibility
- Concerns about having landing criteria

3. Discussion of the Stonington Fisheries Alliance Alternative Plan

The SFA proposal allows for entry and is organized around the lobster zones to allow differences along the coast and a distribution of licenses along the coast. It would not limit where you fish. Commissioner Lapointe suggested that perhaps using the current zones was for convenience and the SFA concurred. Roger Libby voiced opposition to the lobster zone system as a useful model. Marshall Alexander said the SFA proposal was well thought out, but questioned whether we really want every fishery to be a lobster fishery. He believes this proposal would cut out the larger boats. Marsden Brewer commented that limits on scale should be considered. The proposal is the starting point on gear. Proctor Wells voiced major concerns about gear restrictions suggested in the SFA proposal. His concerns were in regard to the economic impacts of any gear restrictions on the harvesters.

C. Pendleton raised concerns in previous meetings about access once limits are placed on entry. Ted Ames explained that limiting the number of licenses by zone allows access to be dispersed along the coast. In the western part of the state, limits are closer to the maximum where there are many fishermen. In the eastern part of the state, this proposal guarantees some entry by eastern boats when shrimp come back. Ted Hoskins said this proposal would protect the resource. T. Ames explained that the proposal would allow 20 boats per zone. R. Libby questioned how this would protect the resource if everyone can get in. The SFA wants to preserve the ability to get into the fishery in the future. G. Lapointe suggested that this system would allow people to get in during a good fishing year. T. Ames said that the western side of the state is established with many new people in the fishery so the new licenses would be from far away to the eastward. G. Lapointe asked that, with these options, why wouldn't someone take a license if they were offered. P. Wells expressed concerns with the suggestion in the proposal that shrimping be a second fishery only. He had a problem being placed lower on the list of entry just because he only shrimps. T. Ames said the SFA focused on what would happen when the shrimp come back and that people in the most immediate area should have access to these shrimp.

M. Alexander calculated that 1120 new people would be let in under this proposal in addition to the license holders that are currently active. He is against zones saying that they are not working in the west and all will become part-timers under this proposal. P. Wells stated that the Task Force thought by including the highest landing year in the qualifying dates they had included the peak and therefore the most number of people. T. Ames stated that while the shrimp fishery recovered in the western part of the state, this didn't happen in the eastern part so it hasn't jump started back to what you see in the west. They want to continue to participate when shrimp show up again.

Robin Alden commented that the markets in the eastern part of the state are not as well developed so there are a lot of cash sales to get the product moving. Landing limits suggested in the draft Task Force proposal would therefore shut out the eastern harvesters and limit the ability for people to choose what they want to do in the winter. Dan Schick explained how the Task Force came up with the numbers based upon the peak in effort. This is more an issue of economics than biology. G. Lapointe stated that the conservation issue is having a handle on effort. That is something we've never had in the shrimp fishery. Now we have a shrimp license and log book requirement. P. Wells explained that the Task Force used logbooks and licensed dealers as qualifying documentation to avoid fraudulent claims. K. Pinkam said he thought the Task Force was looking for a two year freeze to get numbers and then figure out how to get new people in. T. Ames suggested that by just having a shrimp license this year will allow us to get the numbers.

P. Wells expressed concern that if there is no action this year; there will be many people who jump into the fishery to establish landings now that they know the limited entry discussions have started. He doesn't see that people will be locked out, but they will need the financial backing to make it happen. T. Ames questioned that someone has to buy a 65-foot boat to get into the fishery? He suggested looking at what has happened to the small boats in the groundfish fishery. We don't want this to happen to the shrimp industry. C. Pendleton noted that the Task Force proposal looks at recent landings history and he asked if DMR has a way to go back to previous records to get the most representation out of the east. T. Hoskins thought that if entry is already spelled out, then there wouldn't be a gold rush. This does not mean leaving it wide open either. T. Ames asserted that this is a State of Maine resource so we need to create an opportunity for every section of the coast to have access.

P. Wells asked about the DMR lottery system for sea urchins. T. Ames countered that this is a big investment to make based on the chances of winning a lottery. R. Libby claimed that Zone D is

seeing that the apprentice people are also shut out under the new limited entry law. He believes the license should go with the boat. M. Alexander agreed that people have a sizable investment in their boat and should be able to sell the boat and the permission to enter the fishery so the license should be with the boat. P. Wells suggested that people will not make the investment if they don't get a license. He expressed concern that if the Task Force fails to take action, then management will allow effort to come into this fishery. We have the opportunity to keep some conservation of this fishery. The effort on the shrimp fishery could increase in a hurry, especially if the groundfish effort goes to zero or a lobster bacterium hits that fishery. There must be some form of limited entry. T. Hoskins stated that no one questions the need to do something. P. Wells suggested designing something that brings the draft Task Force proposal and the SFA proposal together.

M. Alexander stated that we need to see what we've got for participation and then we need to figure out what areas need focus. G. Lapointe asked why the SFA proposal suggested using the lobster zones as the areas. T. Ames replied that these areas generally describe areas of fishing and are existing management units. G. Lapointe reported that people at the public meetings said they didn't go fishing in order to conserve the resources and therefore they have no landings but shouldn't be locked out because of it. M. Alexander questioned this claim.

4. Designing a Revised Limited Entry Proposal

G. Lapointe suggested that allowing people to choose whether it is their primary fishery or secondary fishery should be allowed (speaking to item #2 in the SFA proposal). P. Wells suggested that there may be a way to allow for this provision when addressing new entry. He asked the Task Force what they thought about the timeframe of 1994 to 1999. All agreed that this was okay. R. Libby expressed concerns with keeping the license as an individual license only and owner operator as suggested in items #3 and #5 of the SFA proposal. T. Ames explained that the SFA proposal would allow for current practices now in place to be grandfathered. M. Alexander stated that this is highly political and will be handled in the ASMFC arena. G. Lapointe replied that ASMFC will allow flexibility among states. M. Alexander noted again that you are talking about a sizable investment in a boat and although we wish we could get out of limited entry, this is where we are. R. Alden responded that limiting access in other fisheries is how we got to this point today. We don't want to have a boat with no value and we don't want to see small, young guys locked out from small-scale fishing either. The Task Force came to the conclusion that a boat license should be removed from the proposal although there was not complete agreement on this point.

M. Alexander acknowledged that the Task Force did not consider new entry because they were waiting to see what effort actually exists now before discussing new entry. P. Wells explained that the Task Force did not want a "use it or lose it" provision to avoid an influx of effort by forcing people to fish to stay in. He asked if there should be a vessel owner criteria. M. Alexander and R. Libby voiced concerns that the Task Force is going the way of groundfish qualifications where one pound was enough to prove history. T. Ames reiterated that in the east there is no central selling point so landing criteria are difficult to meet. The group had a lengthy discussion about landing criteria and decided not to include it in the proposal. This was not unanimous.

P. Wells suggested that future entry and exit should be addressed although not immediately. T. Ames recommended that entry be slow and to well qualified individuals and be easy once they meet the qualifications. M. Alexander stated that people who worked in the fishery on deck should be the first to gain entrance. P. Wells asked D. Schick how long he predicts the fishery will be in its current state of low landings and therefore how long should entry be closed. D. Schick replied that the next 3-4 years look poor. C. Pendleton suggested that maybe we need to have four years of information to get a handle on what we've done with capping effort.

P. Wells asked if the Task Force wanted both trap license and a drag license as suggested in the draft proposal. T. Ames remarked that you should allow flexibility. C. Pendleton said that having separate licenses keeps a control on effort by gear type. D. Schick said he would be concerned about upgrading from a trap license to a drag license because it would mean a significant increase in effort. R. Alden suggested that people be kept in their current boxes but suggest entry and exit principles to the Marine Resources Committee in the report.

P. Wells recommended the report have two parts – a limited entry plan and recommendations on a future entry and exit plan. T. Ames suggested some type of sunset clause. The draft report by the

Task Force suggests a report back to the Legislature. It was suggested that the report be in 2003 for implementation in 2005.

Below is the outline of the new shrimp limited entry proposal:

QUALIFICATION:

- Held a commercial fishing license in any two consecutive years between January 1, 1994 to May 24, 1999 and
- Must show proof of ownership of a registered or documented vessel.
- Qualification must be done by December 31, 2001.
- May choose either a trap or drag license, but must stay in that category for future years.
- After January 1, 2002, an individual must have held a license in previous calendar year to be eligible for a license but not document landings.
- *An appeals process would allow people to appeal a license denial if they were ineligible due a medical reason or service in the armed forces. (Laura's note – I can't remember if this stayed in or was out?)*

NEW ENTRY AND REPORT TO LEGISLATURE:

- No new entrants should be permitted until the fishery sees an increase in stability (predicted 2004) because the cap that has been established already includes enough participants based on estimated figures.

Between 1995 and 1996 there was a spike in the landings. Therefore, the Task Force suggests going back to 1994 to include the highest landing year when the most participants would be included but does not suggest new entrants at this time.

*The Task Force discussed proposing an **individual crew license** option that identifies the boat to document participation in fishery so that entry in the future can be targeted to those people who have been involved in the fishery.*

- By December 31, 2001 the total number of trap and drag licenses will be known. A Report to 121st Legislature in 2003 should be required to determine if further measures regarding entry should be made including transferability and new entrants for the 2005 fishing year.
- A Task Force should be established to continue work on entry and exit provisions based on the following principles:
 - 1) Entry should be based on prior experience in the fishery to promote stewardship of the resource. At a minimum:
 - Prior deck experience (crew names in shrimp logbook),
 - CPR and First Aid courses, and
 - Letter of intent to fish for shrimp submitted to the Commissioner.

- 2) A large influx in entrants should be avoided by creating a circuit breaker (i.e. an overall cap or maximum number of licenses given out each year).
- 3) New entrants should be geographically distributed.

TASK FORCE TO STUDY SHRIMP LIMITED ENTRY MEETING MINUTES/January 11, 2000:

Present:

Task Force Members: Roger Libby, Craig Pendleton, Dan Schick, Proctor Wells.

Others Attending: Laura Taylor, Penn Estabrook

(This meeting followed a meeting the previous week which was officially cancelled by the chairman due to weather, but some members of the Task Force and the Stonington Fisheries Alliance discussed the draft report.)

Laura Taylor reviewed with the Task Force who was present at the previous week's meeting and passed out a copy of the memo from the Stonington Fisheries Alliance regarding the draft report. She stated that the most substantive issue for the Task Force to consider was the suggestion by Greg Gamage that landing criteria be added back into the qualification criteria as an option to the two consecutive years because his son has been shrimping right along but would not qualify without landings. The Task Force discussed the merits of altering the draft to say "OR Held a license in any on the years between 94-99 and landed at least 10,000 pounds". P. Wells stated that although the document is not perfect, it is the best compromise that the Task Force could come up with after the public hearings. After much discussion, the Task Force concluded that the qualification criteria should stay as written.

The Task Force also discussed the merits of adding a sunset clause to the limit on licenses. Dan Schick suggested that from a biological standpoint, 2005 would an appropriate year to consider lifting the limit on shrimp licenses. Craig Pendleton expressed concern about suggesting a sunset clause and stated that he would rather see something done instead of just letting something lapse. As the report is written, the requirement for another Task Force to report back to the Legislature would prompt review of the license limits. The Task Force decided the suggested language for a report back to the Legislature was sufficient.

C. Pendleton raised a concern with the requirement to have a person own a boat to get a shrimp license. The Task Force discussed the situation of an individual owning a boat and someone else being the captain and holding the shrimp license. The language in the report was changed to accommodate these situations.

L. Taylor asked the Task Force if the language referring Task Force objectives should be changed to "What are the objectives of **THIS** limited entry system?" instead of "A limited entry system? The current language was a concern to the SFA (see SFA memo #3) because they did not feel that it reflected how a total shrimp limited entry system should be constructed. The Task Force agreed to make the change. They also agreed to add a bullet as suggested by SFA (memo #2).

The Task Force also agreed to keep the paragraph that referred to an appeal process for license denial based upon narrow criteria.

Finally, the Task Force added language to the paragraph defining what a future Task Force should consider to make the language more broad. The Task Force also made other editorial changes to the draft document.

Note: These draft minutes are included in the final report without review by the Task Force.

8 pages total

Robin Alden
PO Box 274, Stonington, ME 04681
(207) 367-2473
alden@hypernet.com

Jan. 3, 2000

TO: Laura Taylor
FROM: Robin Alden
RE: Stonington Fisheries Alliance Shrimp comments

Thank you for sending us a copy of the Draft Shrimp Report. We have met to discuss it and are forwarding you these comments along with a marked up copy of the Dec. 28, 1999 Draft Report. This provides general comments.

1. The understanding of SFA members at the 12/7/99 meeting was that transferability was taken out of the proposal. Therefore it should be taken out of the first paragraph in the "New Entry and Report to the Legislature" section.
2. SFA suggests that a principle should be added to the list in the "New Entry and Report to the Legislature" section that reads:
 - Any limited entry system should include both entry and exit provisions.

We think the Legislature should be given the guidance that what is needed is a complete system that will assure that there is not huge latent effort so that there is room for young fishermen or fishermen who need additional options to get in on a reasonable basis.

3. The objectives listed were developed before the public meetings. SFA objects to the idea that the objectives of a shrimp limited entry regime is to preserve the remaining shrimp fishermen. The objectives should be broader than that and should include the thought that fishermen in communities the length of the coast should be able to use the shrimp resource when it is available.
4. Although SFA is comfortable with the idea of requiring some time on deck as part of training to become a shrimp fisherman, the individual crew license is not something the group has come to terms with. It is important that the type of training required remains practical for an owner operator in another fishery to get, otherwise the purpose of achieving geographical distribution will be impossible.
5. There continue to be internal inconsistencies in the report. One of these is the issue of "capping at current effort levels" and choosing years when effort was high. At the same time there is also a guideline of "allowing the maximum number of historical

participants. We understand what is being done but the language needs to catch up to it.

6. The organization of the report is confusing because it is chronological and there are several lists of guidelines. I wonder if it would be better to start with a summary that describes where the group ended up and then a discussion of how they got there where you could list their pre-public-meeting guidelines and objectives. The second summary after the conclusion seems redundant, too.
7. There is a lack of definition about what is meant by limited entry, how that is different from controlled entry, and what the objectives for imposing limited entry are. It is important for the Legislature to have this clearly articulated.
8. Please accept the editorial marks as given in good faith. This is clearly a composite document and they are meant to tighten and improve constructively.

I know you have done this sandwiched in between all the other reports due. Hopefully these comments will be helpful and not overwhelm.

I hope you were able to ring in the New Century/whatever with some festivities. My best.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-NINE

H.P. 1079 - L.D. 1526

Resolve, to Establish a Task Force to Study Limited Entry
in the Shrimp Fishery

Emergency preamble. Whereas, Acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the shrimp fishery has historically been a volatile industry in terms of landings; and

Whereas, it is in the interest of the State to study limited entry in the shrimp fishery; and

Whereas, a study must be initiated promptly in order that the study may be completed and a report submitted in time for the next legislative session; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

Sec. 1. Task force established. Resolved: That the Task Force to Study Limited Entry in the Shrimp Fishery, referred to in this resolve as the "task force," is established; and be it further

Sec. 2. Membership. Resolved: That the task force consists of the following 8 members, appointed by the Commissioner of Marine Resources:

1. Seven members representing the shrimp industry, who must reflect a geographical distribution along the coast and represent users of different gear types; and

2. One member employed by the Department of Marine Resources who has expertise in the shrimp fishery; and be it further

Sec. 3. Appointments; meetings. Resolved: That all appointments must be made no later than 30 days following the effective date of this resolve. The first meeting of the task force must convene no later than June 1, 1999. The task force may hold up to 6 meetings and the task force shall notify the members of the Joint Standing Committee on Marine Resources of each meeting; and be it further

Sec. 4. Duties. Resolved: That the task force shall study whether access to the Gulf of Maine shrimp fishery should be limited for the purpose of conserving the shrimp resource. The task force shall report its findings and conclusions and any proposed legislation by November 15, 1999 to the Joint Standing Committee on Marine Resources. The Joint Standing Committee on Marine Resources may report out legislation during the Second Regular Session of the 119th Legislature regarding limited entry and licensing in the shrimp fishery; and be it further

Sec. 5. Staff. Resolved: That the Department of Marine Resources shall provide the task force with staff and clerical assistance; and be it further

Sec. 6. Compensation. Resolved: That members of the task force serve without compensation; and be it further

Sec. 7. Funding. Resolved: That the Commissioner of Marine Resources may accept and administer any outside funds contributed to support the work of the task force; and be it further

Sec. 8. Appropriation. Resolved: That the following funds are appropriated from the General Fund to carry out the purposes of this resolve.

1999-00

MARINE RESOURCES, DEPARTMENT OF

Division of Administrative Services

All Other \$3,000

Provides funds for the costs associated with

staffing the Task Force to Study Limited
Entry in the Shrimp Fishery.

Emergency clause. In view of the emergency cited in the
preamble, this resolve takes effect when approved.

LAW & LEGISLATIVE REFERENCE LIBRARY



3 5082 00040504 0

LIBRARY USE ONLY