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## Cover Story

### **New Approaches to Management of Groundfishery Discussed at Maine Fishermen's Forum**

— by *Melissa Waterman*

*"The devil is in the details.... Trying to do something fundamentally different is hard...."*

— *Department of Marine Resources Commissioner George Lapointe*

Despite a day-long snowstorm, the 32nd Maine Fishermen's Forum again brought together hundreds of fishermen, scientists, resource managers, environmentalists, and the public for a three-day extravaganza of seminars, discussions, trade exhibits, and just general catching-up at the Samoset Resort in Rockport. Among the hot topics this year were herring stock allocations, Amendment 16 to the New England groundfish management plan, and the impacts of climate change in the Gulf of Maine.

New England Fisheries Management Council (the Council), which regulates fishing in the region's federal waters, has to complete an amendment to its existing groundfish management plan by May 2009. The change, known as Amendment 16, must contain new management techniques to rebuild cod, haddock, and other groundfish stocks within a set time frame. Existing measures, such as limited days-at-sea for groundfishermen or closures of vast swaths of the Gulf of Maine to all fishing, have had mixed results. So the Council views Amendment 16 as an opportunity to try other, less traditional, management techniques, said Department of Marine Resources Commissioner George Lapointe during an interview on Thursday.

"Most [members of the fishing industry] want change but the devil is in the details," said Lapointe. "Trying to do something fundamentally different is hard [for the Council]." Possible Amendment 16 management techniques were highlighted at a presentation on Friday. Top among them was the notion of using area management of the fish stocks to control effort. Area management means allowing those fishermen who work a specific section of the ocean to manage the stocks found in that section themselves, within certain guidelines. Long promoted by the Penobscot East Resource Center in Stonington and the Northwest Atlantic Marine Alliance, the concept is now one of four specific possibilities that the Council will examine and hold public meetings on next year.

The Council voted 12 to 4 this past February to further examine the concept of area management for possible inclusion in Amendment 16. Many in the audience seemed to feel that area management would be best for certain sectors of the Maine fishing community, specifically those from the downeast coast and Port Clyde. Audience members also noted that making those who use the ocean more responsible for managing its resources reinforces a conservation ethic that many fishermen do have.

Other proposals include revision of the days-at-sea limits and a new proposal that would link a boat's days-at-sea to the weight of "species of concern" caught. The idea is to reward fishermen who fish for less-threatened fish or who limit their bycatch of depleted stocks, such as cod and yellowtail flounder. Another proposal would replace completely days-at-sea in favor of a point system. The point system would be based on existing days-at-sea and catch histories; fishing on a depleted stock would cost more "points" than fishing on a healthy stock.

Commissioner Lapointe re-emphasized that trying something new through Amendment 16 was very important to the state's dwindling groundfishing fleet. "Since the mid-1990s, we've tried so hard using days-at-sea and other limits. While there have been some successes [in rebuilding fish populations] we've ended up fragmenting the industry. The number of active groundfishing permits in Maine has dropped significantly in the last decade," he explained.

**Changes in the earth's climate** are having measurable impacts in the Gulf of Maine region, according to a panel of three scientists speaking on Saturday at the Fishermen's Forum. As the global atmosphere warms, the oceans in the mid to high latitudes are becoming fresher in terms of salinity. That change is due to increased precipitation in those latitudes and also to Arctic ice melting, said Andy Pershing from the University of Maine School of Marine Sciences.

The cold Labrador Current sweeps down from the Arctic and trends down the southeast coast of Nova Scotia; a tendril from that current swings westward near Yarmouth and continues across the mouth of the Bay of Fundy and along the Maine coast. "A great slug of fresh water came into the Labrador Sea in the mid-1990s," said Pershing. "It was even fresher than normal and more of it came into the Gulf of Maine." The cold fresh water affected the fall phytoplankton bloom in the Gulf (phytoplankton form the base of the marine food web).

The addition of cooler, fresher water also has an effect on the ability of the water column to mix, said Lew Incze from the University of Southern Maine Bioscience Research Institute. Typically, during the summer months the surface layer of the ocean warms and ultimately mixes with the cooler, deeper water layers beneath it, resulting in a non-stratified water column, bringing nutrients and oxygen to the upper layer. This rich mix allows for the high biological productivity of the Gulf. A continually replenished blanket of cool water at the surface makes it less likely that this mixing will occur.

Data show that the water in the Gulf of Maine is changing, according to studies presented by Jeffrey Runge from the University of Maine School of Marine Sciences. Sampling near Jeffreys Ledge in 2003, 2004, and 2005 show that the surface water in that area of the Gulf had become fresher.

As Pershing said in response to a question from the audience, "The safest thing we can say is that it's going to change [the Gulf of Maine]. We have to be looking carefully at the impacts of that change."

**At the all-day session on the future of herring in the Gulf of Maine**, Maine lobstermen spoke in favor of a continued ban on mid-water pair trawling. Herring are the preferred bait for lobstermen throughout New England. Members of the Maine Lobstermen's Association

contend that pair trawling, in which two vessels set a huge net around a school of fish and slowly draw the net closed before hauling the whole thing on deck, is an ecologically damaging technique because it successfully takes everything within the reach of the net — herring, non-targeted fish, marine mammals, or other creatures — and it breaks up large herring schools. The lobstermen favor purse seining, where a smaller net is set at the surface and drawn through the water to be sorted before stored in a vessel's hold.

The Council implemented Amendment 1 to its herring management plan in December 2006, prohibiting pair trawling in selected areas of the Gulf from June to September each year. Some fishermen say that the herring stocks are sufficiently strong to withstand any fishing technique; others argue that the reduced Total Allowable Catch quota set by the Council last year indicates that the Gulf of Maine stock, at least, still needs protection.

## LD 170 Stirs Tsunami of Protest

— by Melissa Waterman



*Traps on display at the Fishermen's Forum trade show. LD 170, "An act to permit the landing of lobsters harvested by methods other than conventional traps," would allow some lobsters caught as bycatch by offshore draggers to be landed in Maine.*

"We'd rather this hadn't come up at all," said Department of Marine Resources Commissioner George La-pointe at a quiet moment during the Maine Fishermen's Forum. "It's very contentious and does nothing to get the fishing industry to work together, rather than apart.... It just splits the parties up further."

La-pointe was referring to LD 170, a bill that would allow offshore trawlers fishing in the Gulf of Maine to land and sell lobsters, caught farther than 50 miles offshore, in the state. Currently only lobsters caught in traps can be landed in Maine.

The Department of Marine Resources has come out against the bill, an unusual position for the normally neutral department. The state legislature's joint Marine Resources Committee held a public hearing on the proposed bill this past Monday, March 5, at the Augusta Civic Center. The siting of the hearing — committee hearings are usually held at the State House — was necessary to accommodate the hundreds of people who made their way to Augusta to hear and be heard.

The goal of the legislation, sponsored by Portland representative Anne Haskell, is to bring business to the Portland Fish Exchange, which has seen its revenues decline precipitously as federal regulations continue to restrict groundfishing in the Gulf of Maine. According to a recent report released by the National Marine Fisheries Service, between 2000 and 2005 Maine lost \$9.5 million in revenue to Massachusetts, where trawlers are legally selling their net-caught lobsters.

Maine's lobstering community is vehemently against the bill. Bob Baines, a lobstermen working out of Spruce Head, says the bill misses the point. "It [LD 170] wants to support the Portland Fish Exchange. The way you do that is to have groundfish to sell," he says. "Landing offshore lobsters there won't put them in the black."

Kristin Millar, executive director of the Maine Lobster Promotion Council, testified at Monday's hearing and says that allowing trawlers to harvest lobsters goes against the state's image as a conservation-minded fishery. "We've said for years that we harvest lobsters sustainably, that we notch them [the females] and so on," she said in a telephone interview. "This bill goes directly against that image."

Rockland representative Ed Mazurek, who sits on the joint Marine Resources Committee, says that the bill doesn't address the fundamental problems facing the groundfishing industry in Maine. "The reality is that groundfishing is in tough shape," he said. "Their problems are deep-rooted. It's like a mill in a small town going out of business. You don't jeopardize a good, thriving industry to save the mill. I don't think there's any clear answer [to saving the Portland Fish Exchange] other than going back to long-lining or gill netting."

Mazurek said that the committee's public hearing on Monday was "long, but very interesting. You could sense a certain tension in the air in the morning, then everyone settled down. It was well run and people behaved with courtesy." He thought that, of the 13 Marine Resources Committee members, 90% would vote against LD 170 if asked to vote immediately.

The bill next goes on to a committee work session on March 14 at 1 p.m., when members will analyze the testimony received at the public hearing and call for a vote on the bill. "It will then come before the floor with an 'ought to' or 'ought not to' pass resolution. If the committee has a minority report [those voting against the majority's resolution], then they can discuss and debate it on the floor," Mazurek explained. Because the bill is an emergency measure, it has to have a 2/3 majority in the House to pass.

### ***LD 170's basic economic argument "not at all compelling" —***

*Dr. James A. Wilson, Professor of Marine Sciences and Resource Economics at the University of Maine, submitted this letter as part of the public hearing on LD 170 held by the legislature's Marine Resources Committee:*

I am writing with regard to LD 170. In the 1970s I did the original Sea Grant-sponsored research that eventually led to the construction of the Portland Fish Exchange (PFE). During the design and construction phase I worked closely with the industry and the city. In the years since, I have had a continuing involvement with the groundfish industry and also with the lobster industry. Both industries are an important part of the state's heritage and substantial contributors to its coastal economy. The fundamental economic health of both industries depends upon the careful conservation of the resource. This consideration has to dominate the legislature's decisions. In this light, the proposal before you in LD 170 is one that should be approached with great skepticism. There are three reasons for this:

1. The basic economic argument is not at all compelling, even if you accept all the figures put forth by its proponents. The ability to land lobsters in Massachusetts is only a small part of the overall economic equation. Dominating almost every other consideration is the conservation failure in the groundfishery. This has led to a series of regulatory measures and to a pattern of fish location that strongly favor landing in Massachusetts. It is simply not reasonable to believe that the provisions of LD 170 can erase this poor conservation record and lead to a substantial increase in landings at the PFE.

2. LD 170 proposes the extension of Maine law to boats fishing in federal waters; specifically, it proposes allowing possession of lobsters by draggers in waters well offshore but not in the near-shore area. Currently, Maine law prohibits the possession of lobsters aboard Maine draggers wherever they are located. In spite of this law, as the proponents of LD 170 are careful to point out, Maine draggers regularly catch, hold and then land lobsters in Massachusetts.... LD 170 asks the state to create another law that will be equally problematical and we can certainly expect comparable difficulty with its enforcement; and in the absence of effective enforceability LD 170 is close to hollow.

3. Most important, if LD 170 were to pass, the legislature will send a strong message to each lobsterman that his conservation efforts don't count for much. It is naive to think that LD 170 will not encourage more targeting of lobsters. A high proportion of the lobsters found offshore tend to be larger, mature animals — oversize, v-notchers and eggers. It is true that these lobsters could not be landed in Maine, but this is simply another way of saying it would encourage a form of high-grading — i.e., harvesting with non-selective gear (trawls), keeping legal lobsters and putting back into the ocean v-notchers, oversize and eggers. High-grading almost always leads to higher mortality and damage. In almost all fisheries this is a serious problem; a strong worldwide consensus has developed around the need to avoid these kinds of non-selective fishing practices. This is not the time for the legislature to encourage non-selective fishing, especially when by doing so it rejects the daily conservation efforts of lobstermen.

In short, there is little likelihood of any substantial economic benefit arising from LD 170. It will encourage non-selective fishing practices and high-grading, and it will contradict the legislature's long support for the conservation efforts of the lobster industry. The Portland Fish Exchange and the groundfish industry need the state's assistance, but LD 170 is not the way to do it. I urge you not to enact LD 170.

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