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PUBLIC HEARING

IN RE: STELLWAGEN BANK)
)
NATIONAL MARINE SANCTUARY)

University of Southern Maine Law School
Bedford Street
Portland, Maine
June 5, 2008
7:04 P.M.

CRAIG MACDONALD, HEARING EXAMINER

Lisa S. Bishop, RPR
Court Reporter

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MR. MACDONALD: Donald Sproul.
MR. SPROUL: Don Sproul, Bath, Maine. I had a

3 couple of things to add. One of them is about the limits
4 of the fishing, commercial and rec. I didn't see any --
5 anything in that plan at all. And I think you answered
6 that when you said there is no regulatory plans so far, so
7 you answered that one anyway.

8 And about any specific areas, I didn't know
9 whether -- I'm really not doing this as a question, but I
10 didn't see in there where there were any specific areas
11 that would be allowed to fish, wouldn't be allowed to fish,
12 in the plans, I didn't see any of that stuff in there.
13 Like I say, you said there are no regulatory plans and that
14 answers it right there. The rest are questions I can get
15 to you later. Thank you.

16 MR. MACDONALD: Thanks very much, Donald.
17 Susan Farady.

18 MS. FARADY: Good evening, Craig. Thanks for
19 coming up to Portland. I'm Susan Farady, the regional
20 director of the New England Office of the Ocean
21 Conservancy, also resident of Cape Elizabeth, Maine, and I
22 serve as chair of the Sanctuary Advisory Council. Craig
23 and Ben and all the sanctuary staff, I really want to
24 commend you for the document you have put together. You
25 have made a very compelling case for why the sanctuary

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1 should be managed in a different way than other areas in
2 the Gulf of Maine.

3 The data is compelling. I know the amount of
4 research and information that went into that. Also
5 speaking from the Sanctuary Advisory Council point of view,
6 there was a lot of public and constituent input into this
7 process and it's really rewarding to finally see the

8 results. I'm going to limit my comments to a couple
9 things.

10 First, I want to acknowledge that the sanctuary
11 has been moving in ways which you didn't mention in your
12 presentation understandably because they are not part of
13 the plan towards managing this site in a more protective
14 way. And the two examples are the shift of the shipping
15 lane within the sanctuary to protect whale species and
16 second has been the mitigation package that was put
17 together throughout the LNG licensing process, so I applaud
18 your efforts in that sense.

19 I would strongly encourage you to consider
20 considering faster movement on the areas that you are
21 proposing for potential future regulatory action. And the
22 three that I'm most interested in is the protection of
23 marine mammals, the protection of the foraged species in
24 the sanctuary and a habitat zoning plan. I think the plan
25 lays out compelling cases for each of these things.

4

1 At least from where we sit in our office in the
2 Gulf of Maine, and particularly in Maine, we know that
3 whales are in trouble. We know that fish species are in
4 trouble. Your data supports all that in the sanctuary.
5 And I really think there's a stronger case to be made than
6 waiting for the next five years. And I'm very leary that
7 it's going to take you a lot longer than that time frame to
8 actually move on any of those proposed plans.

9 So with that, thanks for coming up to Portland
10 tonight.

11 MR. MACDONALD: Sean Mahoney.

12 MR. MAHONEY: Good evening. My name is Sean
13 Mahoney. I'm the director of the Conservation Law
14 Foundation office here in Brunswick, Maine, and a resident
15 of Falmouth, Maine. And I listened to your presentation
16 today before the New England Fishery Management Council and
17 have read the plan.

18 The primary goal of the sanctuary is resource
19 protection and the draft management plan details the
20 serious decline of the health of the natural resources in
21 Stellwagen Bank due to the failure to adopt some of the
22 protections that were just spoken about for key marine
23 species and underwater habitat. And it's our position that
24 the plan can't just list the very real threats to the
25 habitat and the species that inhabit the sanctuary, but

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1 must also propose and work to enact real resource
2 protection over the next several years.

3 And what that means from our position is that
4 there needs to be an immediate enactment of a strong ship
5 strike plan to prevent the damage that's being done to the
6 whale population in the area. There needs to be
7 comprehensive management of all fishing, commercial and
8 recreational, as well as other recreational activities in
9 the sanctuary. That there needs to be an identification
10 and protection of the prioritized most vulnerable habitats
11 that are in the sanctuary and protection from harmful human
12 activity.

13 And most importantly, there needs to be developed
14 an open and honest frank dialogue with the various
15 stakeholders that use the sanctuary or that value the
16 sanctuary that includes conservation groups like mine,

17 recreational fishermen, recreational use like whale-watch
18 operators, commercial fishermen and others to protect the
19 resource. We have heard some very depressing news just at
20 the recent Fishery Management Council about fish stocks in
21 the Gulf of Maine and we need to protect resources that we
22 know have great value like Stellwagen.

23 So I thank you for your efforts and urge you to
24 take more concrete steps to address the problems that you
25 have identified. Thank you.

6

1 MR. MACDONALD: Chris Weiner.

2 MR. WEINER: Hi. Chris Weiner. East Coast Tuna
3 Association, Portland, Maine. I'm concerned -- I have read
4 through the plan and I know there's no concrete actions
5 that -- it's not saying stop fishing here, stop fishing
6 there, but when I read it, I don't like the tone. I will
7 be honest with you. I think there's a lot of -- especially
8 towards commercial fishing, but I think it impacts all
9 fishing, you know.

10 We haven't heard anything like there is going to
11 be closed areas and no fishing necessarily, but, you know,
12 given the climate in the country right now with marine
13 protected areas and everything else, most fishermen right
14 now that use the bank are very concerned. And there's a
15 lot of fishermen, like for me, for a tuna fisherman, I'm
16 fishing out of Perkins Cove. There are years where we have
17 to fish on the Middle Bank, what we call Middle Bank,
18 Stellwagen.

19 If we didn't have the Middle Bank, we wouldn't
20 even be able to do tuna fishing. I would say at least

21 half -- if you took 10 years, half of those years, you are
22 going to have to have the Middle Bank. The other five
23 years, you need some reliance on Middle Bank. And that's
24 for me as a tuna fisherman out of Maine. If you look from
25 south -- anywhere from Cape Anne south all the way to Cape

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1 Cod, all those boats in all those harbors, especially the
2 in-shore boats rely completely on the bank.

3 And I know we've heard a lot about not the whole
4 bank closing, maybe certain areas, but if you close down
5 northwest corner and southwest corner, you've closed down
6 the bank. Everywhere else is important, but those are the
7 two areas that fishermen rely on 100 percent. So I would
8 not want to see anything that just closes those areas, you
9 know, I have heard that idea thrown around, we would only
10 close certain areas to fishing.

11 So I'm concerned. I'm a harpooner. I don't --
12 you know, we travel in and out of all these areas. And as
13 a harpooner, I've also rod and reeled my whole life too,
14 and I have seen that picture because I was at the council
15 meeting and, you know, that picture of the whale with the
16 squid rigs on it paints a picture that's not true. I've
17 fished my whole life and I've never seen a whale get caught
18 in any type of tuna gear.

19 So I would just -- I guess the thing I would ask
20 for is you make sure you keep the public involved in this
21 and that we don't just get to meetings like this and speak
22 and have no impact on anything because this is an important
23 part for us and you really, really, really put a lot of
24 people out of business if there is no fishing there, so
25 thank you.

1 MR. MACDONALD: Mary Beth Tool ey.

2 MS. TOOLEY: Thank you, Craig. My name is Mary
3 Beth Tool ey. I'm with the Small Pel agic Group. I also was
4 part of the Ecosystem Al terati ons Working Group and a
5 member of the Zoning Working Group as well. And I think
6 you know we all have a lot of concerns about the document.
7 I have parti cipated in the process, it certainly was an
8 inclusive process, but it is unclear at least from my
9 perspective that you listen to the working groups. And we
10 feel that some of our suggestions were moved forward and
11 others were not.

12 We think that the sanctuary process can be
13 inclusive of the public and needs to be and perhaps in the
14 future can be more expansive, but, you know, we have
15 significant concerns about the document. A lot of the
16 literature that is cited in the document does not support
17 the conclusions that the document makes. One example of
18 that is under -- obviously I work in the herring fishery.

19 There's one study that is cited. It is about
20 humpback whales and feeding on sand lance, bubblenet feeding
21 behavior, and that is used to make conclusions about both
22 herring and sand lance. Well, you can't do that. I mean
23 herring behavior and sand lance behavior is totally
24 different and you can't cross over. I mean it just
25 shouldn't be done. It incorrectly cites the status of

1 herring resource in shore.

2 It draws conclusions from work that's been done

3 at the Northeast Science Center that those scientists would
4 not agree with. I think that's a significant problem that
5 needs to be addressed in the document. I know that you
6 have received comments from the Northeast Science Center on
7 the document. As you said earlier today, those are not
8 available to the public. We would like to see those
9 comments. I mean I think it's very important.

10 You are an arm within NOAA as is NOAA Fisheries.
11 NOAA Fisheries is held to a standard of unbiased peer
12 reviewed science, and I think that as part of NOAA, that
13 you need to be held to that same standard. So I would
14 request that not only those documents from the Science
15 Center be made available to the public, but also this plan
16 be peer reviewed as well. Thank you.

17 THE COURT: Jeff Kaelin.

18 MR. KAELIN: Thank you, Mr. MacDonald. I'm Jeff
19 Kaelin. I don't have the pleasure of knowing you
20 personally. I certainly knew Brad Barr when he was in your
21 seat. I'm aware of the evolution of the sanctuary over
22 time. And we have some significant concerns about some of
23 the fishing restriction recommendations in the plan and
24 understand that until the designation document is changed
25 and you go through that process, those will not become the

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1 policy of the region or the bank, the sanctuary.

2 Irregardless of that, I have comments. I have
3 spent several hours reading this document over the last 24
4 hours and I have about a dozen pages of concerns and
5 comments here, but I thought I would take a second to
6 introduce why I'm here tonight. I'm here on behalf of the
7 Ocean Spray Partnership and New England Fishing Company.

8 These are companies that are wholly owned and operated by a
9 family, the Raber family, who here live in Maine and the
10 employees, about 20, here in the Portland area.

11 Ocean Spray Partnership operates the Fishing
12 Vessel Providian which is a 100-foot vessel that operates
13 as a mid-water trawler in the herring fishery, also as a
14 seiner in the herring fishery now that changes in the
15 regulations have occurred here in the Gulf of Maine. We
16 also operate in the mackerel fishery in the winter and fall
17 months. This vessel has been in the herring fishery since
18 1996 and our products are sold in the sardine market and
19 also through our bait company located on Holyoak Wharf.
20 Being in the bait business, we also purchase menhaden for
21 sale as lobster bait.

22 And our preliminary comments we will offer
23 tonight. We will certainly write final comments by
24 August 4. I said a minute ago, the relevant sections of
25 this document that concern us are numerous and I want to

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1 whip through them here, if you give me a little extra time.
2 I know the Red Sox have already started with the Rays
3 tonight and the Celtics are coming up. I think we have
4 enough time.

5 First of all, the executive summary begins with a
6 statement that the removal of a little over 3,000 metric
7 tons of herring from the sanctuary over a nine-year period
8 somehow represents the fishing -- a fishing mortality that
9 is sufficient to potentially deplete the forage base for
10 whales and other sanctuary wildlife. This is about two
11 percent of the herring fishery that's allocated to the

12 industry today and we don't believe that your advice in
13 that area is accurate.

14 We reject the conclusion that the document
15 provide the basis to consider how things should be done
16 differently in terms of the herring fishery. We think that
17 the conclusions that are drawn are scientifically
18 inaccurate and amount to more like pot science or pseudo
19 science or junk science or voodoo science in terms of how
20 the herring fishery is managed and the role of herring as
21 forage for the species of concern that are visiting the
22 sanctuary on a seasonal basis.

23 We would like to have the conclusions relative to
24 the herring fishery peer reviewed by the New England -- by
25 the Northeast Fisheries Science Center and we understand

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1 that specific comments made to the sanctuary office about
2 the issues that we are concerned about were not taken into
3 account when the document was drafted. We think that
4 herring fishing is in fact a sustainable fishery. Page 29
5 talks about it with the context of what a sustainable
6 fishery is.

7 Both inside and outside of the sanctuary,
8 mid-water trawl fisheries for herring and mackerel in
9 Europe are being certified as sustainable by the Marine
10 Sustainable -- MCS -- whatever that is -- Marine
11 Certification Council. I can't remember what the acronym
12 is off the top of my head. And we are in contact with the
13 State of Maine about having the herring fishery certified
14 as sustainable as a producer of bait for Maine's lobster
15 fishery in an effort to certify the lobster fishery.

16 There's a statement in here about the fisheries.

17 Certainly they are regulated by the council -- Mid-Atlantic
18 Council and the Atlantic Marine Fisheries Commission. The
19 statement in here about under Amendment 13, the New England
20 Mid-Atlantic Council will develop an updated FMP for
21 Atlantic Herring. That's not correct. The Mid-Atlantic
22 Council does not have management authority over herring.
23 Neither any action by the New England Fishery Management
24 Council or MAMFC have nothing to do with Amendment 13.
25 Amendment 13 is ground fish specific, so there's a factual

13

1 error there.

2 It goes on to say that in the 15 years the
3 sanctuary has been designated, things have changed.
4 Actually, I think things have changed for the better in the
5 herring fishery. There wasn't a herring plant 15 years ago
6 and we have BTACs in place in that fishery for almost a
7 decade now. I think what's changed in recent years
8 concerning the management of herring is a well-funded
9 campaign by the Pew Environment Group and its allies to
10 eliminate a particular fishing gear type, mid-water trawl,
11 in the region, and that's a gear type that has evolved in
12 this industry over the last decade. It's important for
13 landing herring in an efficient, cost effective and safe
14 manner.

15 The document goes on to talk about the concern of
16 reduced forage base and says that removals out of the
17 sanctuary could cause local cray depletion and so forth and
18 goes on to talk about scientific models suggesting that
19 total herring biomass may be overestimated and that fishing
20 mortality is underestimated. In fact, in the 2006 track,

21 these concerns were certainly taken into account. And on
22 the May 19, 2008, stock assessment information provided to
23 New England Council, it reminds us that the ADC of 194,000
24 metric tons is already reduced by about 49,000 metric tons
25 before we take anything OY. The OY is 145,000 metric tons.

14

1 In addition, the Council tells us that overall,
2 no trend is apparent in any of the surveys in recent years,
3 although the long-term trend over the survey time series
4 has been upwards, which is contrary to the conclusions the
5 document makes about trends, particularly in the Gulf of
6 Maine herring resource. We think the document cherry-picks
7 portions of important scientific literature. And one
8 example is an Overholtz and Link citation on page 113 where
9 it says that we have not considered impacts in stock
10 assessments from a multi-species approach on important
11 linkages to predicting sustainable yields and developing
12 realistic estimates of biological reference points.

13 It quotes Overholtz and Link in saying these are
14 important considerations, and certainly they are, but it
15 ignores the conclusions of their most recent report in 2008
16 which says that recent average annual landings of Atlantic
17 Herring from 1990 to 2004 have been below the new estimate
18 of fishery surplus provided in the current study. FY
19 fishery yields held at 140,000 to 150,000 kilotons or
20 metric tons for a number of years. Important insights will
21 be gained from the Atlantic Herring complex.

22 What that paper says is that of the 1.4 million
23 metric tons of herring -- fishable herring biomass, those
24 age two plus fish, about 300,000 metric tons are consumed
25 on an annual basis throughout the system. We take about

1 15 percent and 50 percent of the herring resource fully,
2 500,000 metric tons of herring on an annual basis is --
3 continues to provide surplus biomass for a fishery down the
4 road. In other words, those fish are not eaten and we
5 don't harvest them.

6 So I think their conclusions at the Science
7 Center is that a high biomass of crayfish enhances the
8 system and that's precisely the system that we have here.
9 And to go into a local area like that and suggest that
10 localized depletion should be avoided and that we should
11 not have herring fishing I think is contrary to the best
12 scientific advice that we have in terms of how we manage
13 this fisheries resource.

14 It goes on to try to determine that local
15 depletion is in fact a scientific term and I think I
16 certainly have to take exception with that. This is a term
17 that's been talked about in herring management for fully a
18 decade, also in the menhaden fishery, and has been bandied
19 about in Chesapeake Bay as well. And currently, there is
20 about 5 million dollars of federal research focused on the
21 concept of localized depletion in Chesapeake Bay, for
22 example. In fact though, there is no scientific meaning of
23 the term localized depletion and there has not been a
24 technical committee or plan development committee of either
25 the New England Fishery Management Council, the

1 Mid-Atlantic Fishery Management Council, or the United
2 States Marine Fisheries Commission that has used this

3 concept as a basis for managing fisheries.

4 Again, Dr. Overholtz tells us it's a systemwide
5 approach we have to take to these resources. We think that
6 local abundance should be peer reviewed as a concept by the
7 Fisheries Science Center and we would like to put on the
8 table the concept of localized abundance because, in fact,
9 I think that's what we see an awful lot in this fishery.
10 In fact, there is more fish around than the animals are
11 eating and that we are taking in any particular localized
12 area.

13 In our view, the only approach that can be taken
14 as a management measure for localized depletion is in fact
15 to eliminate the commercial fishery, which is in fact what
16 you are suggesting you do down the road sometime within
17 the -- within the sanctuary, because if a whale and a
18 fisherman encounters a body of fish, the thinking in this
19 plan is that those fish must be left alone for that whale.
20 In other words, the commercial fisherman doesn't get a
21 chance to take any of the fish.

22 And again, that is very contrary to the approach
23 that's taken by Dr. Overholtz and his colleagues at the
24 Science Center and that represents the science and in fact
25 manages the fishery today. And I think they have done some

17

1 of the most far-reaching ecosystem approach in terms of
2 their thinking than any other people at least in this
3 country that I'm aware of.

4 The document goes on, page 115, to present a
5 table that attempts to showed that mid-water trawl activity
6 in the region is high. In fact, it is -- INAUDIBLE. I
7 really think that this kind of information is totally

8 irrelevant. It's not about how the fish are taken in our
9 view, it's how much of the fish is taken from the stock.
10 And as I said before, the advice from the Science Center
11 tells us that the current harvest levels are in fact
12 sustainable.

13 There are -- I won't keep pounding the same -- I
14 mean page 116, 116, 119, it goes on and on about this
15 concept of localized depletion and a need to restrict
16 fishing continues throughout the document. And I have
17 already made the point that we think that it's not
18 scientifically sound. If -- the analysis that is taken
19 would perhaps be valuable if everything that visits the
20 sanctuary on a particular day or throughout a particular
21 season in fact stayed in the sanctuary and didn't go
22 anywhere else, but we know that that's not the case.

23 The Stellwagen Marine Sanctuary is only one of
24 several important feeding areas to whales, for example, and
25 I think the only way we manage this wisely and in fact even

18

1 mechanically is to consider the system as a large ecosystem
2 and not a tiny little one that happens to exist within
3 the -- Cape Cod. It goes on and on and on. Page 172
4 continues to try to build the case that too much herring
5 fishing is taking place in the sanctuary and it should be
6 ended.

7 And we are a little bit concerned also about the
8 action plan. As I said a minute ago, we think that some of
9 the recommendations in the area that I'm talking about by
10 the Science Center were not adhered to by your staff and
11 yourself when you drafted the document. The Interagency

12 Cooperative Action Plan tells us that you are probably not
13 going to get around to meeting with the Science Center on
14 some of these questions until 2009. And that's on page
15 192. We think that that's a little late frankly based on
16 some of the concepts that are in the plan.

17 And the objectives to establish a science review
18 framework and so forth to us appears completely outside of
19 the New England Fisheries Science Center and that's who --
20 that is who provides us with the scientific advice to
21 manage fisheries, so we don't think that an ad hoc science
22 review committee passes the test to manage federal
23 fisheries.

24 And I will provide additional comments along the
25 same lines. I don't want to take up an awful lot more

19

1 time, but what's missing in the citations that
2 Dr. Overholtz has done is the most recent study that he and
3 Jacobson and Link did in 2008 which appeared in the North
4 American Journal of Fisheries Management recently and he --
5 Phil made a presentation about that project or that work to
6 the council just the other day. And I know I'm sounding
7 repetitive, but the document is in fact repetitive on this
8 same subject. I'm only at about page 194 now out of 300.

9 As fishermen, we have worked -- we have
10 sacrificed and worked hard for a long time. I've been in
11 the fishery since 1972 and we have -- before the
12 foreigners, when the foreigners were here frankly, and I
13 think we have taken a lot of sacrifice. We have tried to
14 do things sustainably. We frankly don't get any credit for
15 it. We certainly don't get any credit for it in this
16 document. And some day, we are looking forward to a

17 determination that our activities are in fact sustainable.

18 And when we listen to Drs. Link and Overholtz and
19 Jacobson, we are encouraged that perhaps the science does
20 support the fact that we are operating sustainably both
21 within the Stellwagen Bank Marine Sanctuary, but in other
22 areas that we operate. So I leave it there. I think you
23 get the message. And I will be drafting comments and
24 sending them in to you before August 4th. I appreciate the
25 extra time you have given me tonight. Thank you.

20

1 MR. MACDONALD: Ed Barrett, please.

2 MR. BARRETT: Hello, Craig. My name is Ed
3 Barrett and I am the Mobile Gear representative on the
4 Sanctuary Advisory Council. I'm also the president of
5 Mass. Bay Groundfish Association which is 45 members of
6 ground fishermen that fish out of ports from Sandwich
7 through Gloucester. I'm also the president of the
8 Massachusetts Fishermen Partnership.

9 I guess I will go to the good news and the good
10 news is that this was an exhaustive process that a lot of
11 us have been a part of since 2000, including the time of
12 scoping and through our time as members of the working
13 groups. I was a member of the Ecosystem Based Management
14 Working Group and I'm currently a member of the Zoning
15 Working Group, but I have to say that I was very
16 disappointed in the document.

17 And I will also say at this point that this is
18 the first night that I will be commenting. You will
19 probably see me again at some more -- at some of the other
20 meetings, but tonight, I would like to talk about -- I

21 would like to talk about the document and the tone of the
22 document. And I think that today at the New England
23 Fisheries Management Council, I think it was labeled pretty
24 correctly.

25 This is not -- well, first of all, I would like

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1 to say that from the working groups, I thought a lot of
2 good things came of that. We had diverse members. We were
3 able to come to consensus. We were able to identify
4 strategies and actions. And I think taken in their
5 totality, that most of the plan is a good plan. My problem
6 right now is the tone of the draft management plan.

7 Now the tone -- and I think it was very
8 accurately characterized today as an advocacy plan. And
9 I'm going to -- and there are two things that I'm going to
10 point out tonight that I find -- reading this document, I
11 find a little troubling. And again, going back to the
12 working groups and going back to the collaboration and the
13 working with different stakeholders and the level of being
14 part of a group that is putting the sanctuary's health as a
15 priority, I'm a little disappointed to see -- to come to
16 some of these -- there are two points -- specific points.

17 Table two on page 21 is a summary of
18 representative education and outreach parties and programs
19 developed by the Stellwagen Bank Sanctuary or through
20 collaboration with its partners. Unfortunately, there is
21 not one single -- in the three pages of this table --
22 that -- example of partnering with the numerous fishery
23 groups. I know that Massachusetts Fishermen's Partnership
24 conducted two collaborative research projects that were
25 finished and are available on our web site that are in

1 direct regard to the sanctuary, but yet either we have been
2 left out or I guess we are not considered for some reason
3 on this table.

4 A second -- a second point that I'm -- that I see
5 as being somewhat biased is appendix C, key topics and
6 issues identified during public scoping for revision of the
7 Stellwagen Bank sanctuary management plan. In reading
8 these, I know that through the scoping process, you
9 received -- numerous people attended these meetings that
10 were from the fishing industry, yet in reading the key
11 topics and issues, I really do not see any of their issues
12 identified. And they are two small things, but I think
13 it's very telling that when it comes to the management
14 plan, that those things are left out.

15 My third and final point tonight is about a term
16 that is used frequently in this draft management plan, and
17 that term is ecological integrity. And as part of the
18 Ecosystem Based Management Working Group, we spent a
19 considerable amount of time trying to come up with a
20 working definition of that. As it appears in this plan, it
21 seems like there is already one when, in fact, as part of
22 the Zoning Working Group, it is still, as I recall, seems
23 how we have not met in two years, still a draft and it's
24 still part of findings that we have not come to a
25 conclusion on.

1 So I think that you are really putting the cart
2 before the horse in talking about fishery impacts and

3 ecological integrity when, A, if there's -- if there is a
4 lawful definition of ecological integrity that exists
5 within the sanctuary, I'm not sure, I don't know why we
6 wouldn't have used that from the very get-go, and if there
7 isn't, this one really hasn't been fully developed.

8 So those are examples of things that I think -- I
9 think point to the fact that this document does not
10 maintain the objectivity that I as a taxpayer would want a
11 federal agency to maintain. Thank you.

12 MR. MACDONALD: Barbara Durkin.

13 MS. DURKIN: Superintendent, I will be very
14 brief. I had the pleasure of being in Boston when you
15 first introduced the draft and I am amazed -- I'm sorry,
16 Barbara Durkin, 48 Laura Lane, Northboro, Mass.

17 I had the pleasure of experiencing just so much
18 depth and how much work has gone into this. I had no idea
19 as an average citizen the type of work and efforts. I just
20 heard the term used or the phrase fishing is overregulated
21 to such a limited extent. Now I have so much more
22 appreciation for all that you do.

23 I just want to say very briefly that after
24 reviewing the draft, basically, the summary, highlighting
25 it, looking at some of the pictures and going through, you

24

1 know, not the whole thing, I will be honest, I did walk
2 away from looking at that and attending these meetings
3 as -- as a concerned person for heritage trades and I think
4 fishermen have it pretty tough as it is. Any more
5 restrictions, any more burdens, it seems like they are
6 getting a little bit of a short drift in the document.

7 I'm sorry to say that, but it feels to me as

8 though their trades are more threatened than they are by
9 the regulations and I ask you to be sensitive to the -- the
10 intent -- the original creation is that -- my
11 understanding -- that fishing rights would be protected.
12 And I urge you to allow them to continue to earn a living
13 to the greatest extent they can and not to infringe any
14 more than is absolutely necessary to keep the stocks
15 flourishing. Thank you very much.

16 MR. MACDONALD: Okay. Is there anybody else who
17 would like to make a comment this evening? If not, that
18 concludes the formal part of the meeting and I thank all of
19 you for attending and providing the comments that you did.

20 If there is anyone who would like to, you know,
21 have a dialogue, ask some questions, I would certainly be
22 happy to do that, or if people just want to meet with our
23 staff as we break up, that will be fine too.

24 (Time Noted: 7:40 P.M.)

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1 C E R T I F I C A T E

2
3 I, Lisa S. Bishop, a Notary Public in and for the
4 State of Maine, hereby certify that the proceedings were
5 had in the cause styled in the caption hereto; that I was
6 authorized to and did attend said hearing and report the
7 proceedings had therein fully and accurately, and that the
8 foregoing typewritten pages constitute a transcript of my
9 shorthand report of the proceedings taken at said time.

10 IN WITNESS WHEREOF, I have hereunto set my hand
11 this ____ day of _____, 2008.

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Li sa S. Bi shop, RPR

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19 My Commi ssi on Expi res:

20 January 27, 2009

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