

**TESTIMONY OF
Patrick Keliher
Commissioner**

**The Department of Marine Resources (DMR) is testifying
Neither For Nor Against**

**L.D. 98 An Act Amending the Trap Limit for the
Swans Island Lobster Conservation Area**

**Sponsored by Senator Langley
Date of Hearing: February 4, 2015**

Senator Baker, Representative Kumiega, and members of the Joint Standing Committee on Marine Resources, my name is Patrick Keliher, Commissioner for the Department of Marine Resources, and I am testifying on behalf of the Department neither for nor against LD 98.

The purpose of my testimony is only to provide the Committee with additional background information and context that may assist you in your deliberations on this proposal. Swans Island is one of only two "Lobster Conservation Areas" along the Maine coast within which the trap limit is lower than the surrounding Lobster Zone. In this case, the trap limit for Zone B is 800, and the current trap limit for Swans Island is 550. When the Swans Island Lobster Conservation Area (SILCA) was first created in regulation in the 1980's there were no lobster zones, and no trap limits, so the creation of a trap limit for this area was believed to be a lobster conservation measure. Since that time, with the implementation of the trap limit statewide, it is clear that the lower trap limit on Swans is not a matter of resource conservation, but more a matter of conservation for the island community. The lower trap limit is a disincentive for other license holders from surrounding areas to fish in the conservation area, serving to ensure that island residents have a productive fishing area reserved for their exclusive use, which in turn helps to sustain the island community.

During the 1st session of the 126th Legislature, a bill was introduced that raised the trap limit for Swans Island from 475 to 550. At the time, that increase was viewed as a compromise proposal, as the license holders on the island were basically evenly split (46/54 – please see attached summary of referendum results) on whether to seek an increase in the trap limit to 600 traps. Since that time, there have clearly been ongoing discussions on the island about this additional increase, that are best relayed to you by the license holders, and which have resulted in the bill before you. The Department has not been asked to conduct any further referendums on this topic, so does not have any more recent results to report.

We are currently analyzing the landings information for Swans Island license holders, as compared to the surrounding Zone B fishermen (fishing up to 800 traps) and neighboring Zone C fishermen (also fishing up to 800) and will provide that summary at your work session. As

explained above, the question before you is not one of resource conservation, as much as resource allocation. The question is not whether the lobsters will be caught, but who has the traps to catch them.

Ancillary to the question of the trap limit, there is another issue that has been concurrently in discussion on Swans Island regarding whether to participate in the island limited entry program. This is a program that island communities may opt into, and the purpose of the program is to preserve the number of lobster fishing licenses that are associated with the island at an established "baseline". Preserving that baseline number of licenses is a means of ensuring that there are sufficient licenses available to people who are willing to live on the island and support the community's viability. Cliff Island, Chebeague Island, the Cranberry Islands, Frenchboro, and Monhegan have all chosen to participate in this program since its implementation in 2009. Swans Island has held two referenda on the island limited entry program, but in both instances it has failed to pass.

The baseline that was proposed to be established through the Island Limited Entry program on Swans Island was 72, which was the current number licenses on the island. From the DMR's perspective, it seems inconsistent that the conservation area would be able to support 2000+ additional traps for existing license holders (which is what is likely to be generated by the proposed increase), but unable to support maintaining the existing number of license holders and, accordingly, the current number of traps in the water. DMR does not know the reason for the failure to implement island limited entry, but would suggest that this be a topic of discussion at the work session, to better understand the underlying rationale, which again, appears to speak more to resource allocation rather than resource conservation.

Thank you for your consideration, and I would be happy to answer any questions you may have.

Zone B - Swans Island Questionnaire Results - December 2012

The Questionnaire was mailed to 68 people (2012 Zone B - Swans Island License Holders - Class 1, Class 2, Class 3, Class 1 Over 70, Class 2 Over 70 and Class 3 Over 70 License Holders as of November 14, 2012). There were 56 responses or 82% returned. Of the License Holders who returned the ballot the following are the numbers and percentages returned.

Question:

Do you favor keeping the current Swans Island Trap Limit of 475 traps or propose that the Swans Island limit be raised to 600 traps? The increase to 600 traps would be phased in over a two-year period: 65 traps in year one and 60 traps in year two?

Returns

	475 traps	600 traps	Total
Question	26 46%	30 54%	56

Voids

Received late	1
Total	1

3 Comments

- Even better - reduce to 450
- 600 traps - As long as we retain the conservation lines.
- 600 traps - I thought you wanted to get more traps out of the water...? Why not level the playing field for all and limit all zones to 600 traps? Start a reduction program by 50 per year.