

Notice of Agency Rule-making Proposal

MAPA-3 revised 2-2016

AGENCY: Department of Marine Resources

CHAPTER NUMBER AND TITLE: Chapter 26 Sea Urchin Regulations and 2017-2018 Harvesting Season

PROPOSED RULE NUMBER (*leave blank; to be assigned by Secretary of State*):

BRIEF SUMMARY:

This regulation would establish open harvest days for the taking of sea urchins by divers, rakers, trappers, and draggers in Zones 1 and 2 for the 2017-2018 season. It also establishes the utilization of harvester swipe cards for picking days to fish. This is a pilot project which aims to evaluate the swipe card system which could potentially provide industry the flexibility to fish in a safer manner and to increase roe quality. For Zone 1, 20-day seasons are proposed for divers, trappers, rakers and draggers in 2017-2018, from which harvesters may only fish up to 15 days of their choosing, the same number of days allowed during the 2016-2017 season. For Zone 2, 45-day seasons are proposed for divers, trappers, rakers and draggers in 2017-2018, from which harvesters may only fish up to 38 days of their choosing, the same number of days allowed during the 2016-2017 season. For the Whiting & Dennys Bays Limited Access Area in Zone 2, a 15-day season is proposed for Zone 2 divers, trappers, rakers and draggers in 2017-2018, which is six additional days compared to the 2016-17 season. This regulation also establishes a limited access area in Blue Hill Bay for a Department-initiated, five year research project in collaboration with industry using Department issued spatial trackers.

Date, time and location of PUBLIC HEARING (*if any*):

May 30, 2017 at 6:00 p.m.: DMR Conference Room, Marquardt Building, 32 Blossom Lane, Augusta

May 31, 2017 at 6:00 p.m.: Ellsworth City Hall (Council Chambers), One City Hall Plaza, Ellsworth

COMMENT DEADLINE: **June 12, 2017**

CONTACT PERSON FOR THIS FILING (*include name, mailing address, telephone, fax, TTY, e-mail*):

AGENCY CONTACT PERSON: Amanda Ellis (tel: 207-624-6573)

Mail Written Comments to: Department of Marine Resources, attn Rulemaking

ADDRESS: 21 State House Station, Augusta, ME 04333-0021

WEB SITE: <http://www.maine.gov/dmr/rulemaking/>

E-MAIL: dmr.rulemaking@maine.gov

FAX: (207) 624-6024

TTY: (207) 624-6500 (Deaf/Hard of Hearing)

Hearing facilities: If you require accommodations due to disability, please contact Amanda Beckwith, at (207) 287-7578.

CONTACT PERSON FOR SMALL BUSINESS IMPACT STATEMENT (*if different*): SAME

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES (*if any*): NONE

STATUTORY AUTHORITY FOR THIS RULE: 12 M.R.S. § 6749 §6173

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED (*if different*): SAME

AGENCY WEBSITE: <http://www.maine.gov/dmr/rulemaking/>

E-MAIL FOR OVERALL AGENCY RULE-MAKING LIAISON: DMR.rulemaking@maine.gov

* Check one of the following two boxes.

The summary provided above is for publication in both the newspaper and website notices.

The summary provided above is for the newspaper notice only. Title 5 §8053, sub-§5 & sub-§7, ¶D. A more detailed summary is attached for inclusion in the rule-making notice posted on the Secretary of State's website. Title 5 §8053, sub-§3, ¶D & sub-§6.

Please approve bottom portion of this form and assign appropriate AdvantageME number.

APPROVED FOR PAYMENT _____ DATE: _____

FUND	AGENCY	S-UNIT	APP	OBJT	AMOUNT
010	13A	1120	10	4946	regulations

Please forward invoice to: Natural Resource Service Center, 155 SHS, Augusta

DEPARTMENT OF MARINE RESOURCES

Chapter 26 - Sea Urchin Regulations

26.07 Sea Urchin Harvesting Season ~~2016-2017~~ 2017-2018 pursuant to 12 M.R.S. §6749. Harvesters have the ability to choose 15 of the potential 20 available days in Zone 1 and 38 of the potential 45 available days in Zone 2.

1. Zone 1 [as defined by 12 M.R.S. §6749-N(1)]. Harvesters have the flexibility to choose 15 of the potential 20 days.

- A. Early season for divers, trappers and rakers

The Zone 1 season for divers, trappers and rakers who have certified the early season on forms provided by the Commissioner, is open ~~September 1, 2, 3, 7, 8, 9, 12, 13, 14, 19, 20, 21, 26, 27, and 28, 2016; 1, 2, 5, 6, 7, 8, 11, 12, 13, 14, 18, 19, 20, 21, 25, 26, 27 and 28, 2017; and, October 4 and 5, 2017.~~ Divers, trappers, and rakers may fish no more than 15 of these days.

- B. Late season for divers, trappers and rakers

The Zone 1 season for divers, trappers and rakers who have certified the late season on forms provided by the Commissioner, is open ~~December 1, 2, 5, 6, 8, 9, 12, 13, 15, 16, 19, 20, 22, 27, and 28, 2016; 4, 5, 6, 11, 12, 13, 18, 19, 20, 21, 27 and 28, 2017; and, February 5, 6, 12, 13, 19, 20, 26 and 27, 2018.~~ Divers, trappers, and rakers may fish no more than 15 of these days.

- C. Early season for draggers [in accordance with 12 M.R.S. §6749-V]

The Zone 1 season for draggers who have certified the early season on forms provided by the Commissioner, is open ~~December 1, 2, 5, 6, 8, 9, 12, 13, 15, 16, 19, 20, 22, 27, and 28, 2016; 1, 2, 4, 5, 6, 7, 11, 12, 13, 14, 15, 18, 19, 20, 21, 22, 27, 28, 29 and 30, 2017.~~ Draggers may fish no more than 15 of these days.

- D. Late season for draggers [in accordance with 12 M.R.S. §6749-V]

The Zone 1 season for draggers who have certified the late season on forms provided by the Commissioner, is open ~~Thursdays, Fridays, and Saturdays in February 2017, except February 25 is closed, and open March 2, 3, 9, and 10, 2017; Wednesdays, Thursdays and Fridays in February, 2018; and, March 1, 2, 5, 6, 7, 8, 12 and 13, 2018.~~ Draggers may fish no more than 15 of these days.

- E. Designation of Zone 1 early or late season:

- (1) A person who holds a sea urchin harvesting license for Zone 1 may not harvest sea urchins in Zone 1 unless that person certifies on forms provided by the Commissioner that the person will fish for or take sea urchins during either the early season or the late season.
- (2) Divers, trappers and rakers who have certified the early or late season may, between May 1st and August 15th change that certification to the other time period as the time period in which that person will fish for or take sea urchins.
- (3) Draggers who have certified the early or late season may, between May 1st and November 15th change that certification to the other time period as the time period in which that person will fish for or take sea urchins.

2. Zone 2 [as defined by 12 M.R.S. §6749-N(2)]. Harvesters have the flexibility to choose 38 of the potential 45 days.

- A. Early season for divers, trappers and rakers

The Zone 2 season for divers, trappers and rakers who have certified the early season on forms provided by the Commissioner, is open ~~September 15, 16, 22, 23, and 29, Mondays, Tuesdays, and Wednesdays in October, Mondays and Tuesdays in November plus November 2 and 30, and December 6, 7, 8, 13, 14,~~

20, 21, 22, and 23, 2016; 12, 13, 14, 19, 20, 21, 26, 27 and 28, 2017; October 2, 3, 4, 10, 11, 12, 16, 17, 18, 23, 24, 25, 30 and 31, 2017; Mondays, Tuesdays, and Wednesdays in November, 2017; and, December 4, 5, 6, 12, 13, 14, 19, 20 and 21, 2017. Divers, trappers, and rakers may fish no more than 38 of these days.

B. Early Late season for driggers divers, trappers and rakers

The Zone 2 season for driggers divers, trappers and rakers who have certified the early late season on forms provided by the Commissioner, is open Mondays and Tuesdays in October and November 2016 plus October 1, 12, and 19 and November 2, Thursdays and Fridays in December 2016, February 15, 16, 22, and 23, 2017, and March 1 and 2, 2017. Tuesdays, Wednesdays and Thursdays in December, 2017; Tuesdays, Wednesdays and Thursdays in January, 2018; Tuesdays, Wednesdays and Thursdays in February, 2018; and, March 1, 6, 7, 8, 13, 14 and 15, 2018. Divers, trappers, and rakers may fish no more than 38 of these days.

C. Late Open season for divers, trappers and rakers driggers

The Zone 2 season for divers, trappers and rakers driggers who have certified the late season on forms provided by the Commissioner, is open December 13, 14, 19, 20, 21, 26, 27, and 28, 2016, and Mondays and Tuesdays in January and February 2017, plus January 4 and 11 and February 1 and 22, and March 1, 6, 7, 8, 13, 14, and 15, 2017. October 23, 24, 30 and 31, 2017; and, Mondays, Tuesdays, and Wednesdays in November 2017; December 6, 7, 13, 14, 20 and 21, 2017; Wednesdays and Thursdays in January and February, 2018; and, March 1, 7, 8, 14 and 15, 2018. Driggers may fish no more than 38 of these days

D. Late season for driggers

The Zone 2 season for driggers who have certified the late season on forms provided by the Commissioner, is open December 7, 8, 9, 14, 15, 16, 17, 21, 22, 23, 28, and 29, 2015, Mondays, Tuesdays, and Wednesdays in January 2016 except January 13 is closed, plus February 1, 2, 8, 9, 22, 23, and 29, and March 1, 2, 7, 8, 9, 14, 15, 16, 2016 are open November 21, 22, 28, and 29, and December 7, 8, 9, 14, 15, 16, 21, 22, 23, 28, 29, and 30, 2016, and Thursdays and Fridays in January 2017 plus January 4 and 11, Wednesdays and Thursdays in February 2017, and March 2, 3, 9, and 10, 2017.

D-E. Designation of Zone 2 early or late season for divers, trappers and rakers:

- (1) A person who holds a sea urchin harvesting license for diving, trapping or raking for Zone 2 may not harvest sea urchins in Zone 2 unless that person certifies on forms provided by the Commissioner that the person will fish for or take sea urchins during either the early season or the late season.
- (2) A person who has certified the early or late season may, between May 1st and August 15th change that certification to the other time period as the time period in which that person will fish for or take sea urchins.

26.19 Limited Access Areas:

Transiting exception:

Any vessel possessing urchins onboard, may transit the Limited Access Area, only if the vessel has all fishing gear (dredges, drags, regulators, buoyancy compensators, fins, tanks, weight belts) securely stowed. Securely stowed shall mean the main wire shall not be shackled or connected to the dredges or drags, and the towing swivel will be at the block or on the winch for draggers, while regulators, buoyancy compensators and tanks should be disconnected with fins and weight belts removed for divers.

(1) Whiting and Denny's Bay Area (Zone 2). Harvesters may choose up to 15 days of the following applicable season open days for the Whiting and Denny's Bay limited access area to fish within their 38 days available for harvest.

A. Early season for divers, trappers and rakers

It shall be unlawful to fish for, take, or possess urchins west of a line starting at the western end of Mahar Point, Pembroke, due south to the nearest point of land on Crow Neck, Trescott, to include all of Whiting and Denny's Bay except by divers, trappers, and rakers who have certified the early season on forms provided by the Commissioner, on ~~Wednesdays~~ Tuesdays in ~~September, October, November and December 2016~~ 2017, ~~except November 28, 2016 is open and December 27, 2016 is closed.~~

B. Late season for divers, trappers and rakers

It shall be unlawful to fish for, take, or possess urchins west of a line starting at the western end of Mahar Point, Pembroke, due south to the nearest point of land on Crow Neck, Trescott, to include all of Whiting and Denny's Bay except by divers, trappers and rakers who have certified the late season on forms provided by the Commissioner on Wednesdays in December 2017, and January, February and March, 2018, except Wednesday, March 21 and Wednesday, March 28, 2018, which shall be closed.

~~B C. Early Open~~ season for draggers

It shall be unlawful to fish for, take, or possess urchins west of a line starting at the western end of Mahar Point, Pembroke, due south to the nearest point of land on Crow Neck, Trescott, to include all of Whiting and Denny's Bay except by draggers who have certified the early season on forms provided by the Commissioner, on ~~December 1, 8, 15, 22 and 29, 2016, February 16 and 23, 2017 and March 1 and 2, 2017~~ Wednesday, November 28, 2017 and Thursdays in December, 2017, except Thursday, December 28, 2017, which shall be closed.

~~C. Late season for divers, trappers and rakers~~

~~It shall be unlawful to fish for, take, or possess urchins west of a line starting at the western end of Mahar Point, Pembroke, due south to the nearest point of land on Crow Neck, Trescott, to include all of Whiting and Denny's Bay except by divers, trappers and rakers who have certified the early ~~late~~ season on forms provided by the Commissioner on ~~Mondays in January, February and March, 2017, except March 13, 20 and 27, 2017 are closed.~~~~

~~D. Late season for draggers~~

~~It shall be unlawful to fish for, take, or possess urchins west of a line starting at the western end of Mahar Point, Pembroke, due south to the nearest point of land on Crow Neck, Trescott, to include all of Whiting and Denny's Bay except by draggers who have certified the late season on forms provided by the Commissioner, on ~~December 8, 15, 22 and 29, 2016, February 9, 16 and 23, 2017 and March 2 and 3, 2017.~~~~

(2) Blue Hill Bay Area (Zone 2). Harvesters may fish their chosen 38 of potential 45 days in the Blue Hill Bay limited access area only in accordance with the following provision:

It shall be unlawful to fish for, take, or possess urchins in Blue Hill Bay, north of a line starting at southernmost tip of Lopaus Point to the northern most point of Black Island; continuing from the westernmost tip of Black Island to the northern most tip of Swans Island Head; continuing to the most southeastern point of Naskeag Point, Brooklin except by draggers, divers, trappers, and rakers who possess a Global Positioning System (GPS) tracking unit provided by the Department. The spatial tracker must be turned on and continuously recording data for the entire duration of each season, chosen by the harvester. This limited access area will sunset April 1, 2022.

26.50 Urchin Transaction Cards

1. Eligibility. In order to be eligible for an urchin transaction card, an individual must be licensed according to 12 M.R.S. §6748, 6748-A, 6748-D, or 6302-A subsection 3 paragraph B. Valid transaction cards may only be issued by the Department of Marine Resources.
2. Harvester Use. It is unlawful for an individual licensed under 12 M.R.S. §6748, 6748-A, 6748-D, or 6302-A subsection 3 paragraph B to sell or transfer urchins the license holder has taken to a person licensed under 12 M.R.S. §6851 subsection 2-B or subsection 2-C, unless the harvester presents his or her DMR-issued transaction card to the urchin buyer or processor during each transaction. Transaction cards may only be used to sell urchins which were harvested by the individual identified on the transaction card. A law enforcement officer may seize the transaction card of an individual who has used their transaction card to sell urchins they did not harvest. The act of swiping your card on any given day will be considered as one fishing day, between the hours of 12 am-12pm.
3. Dealer Use. It is unlawful for a person licensed under 12 M.R.S. §6851 subsection 2-B or subsection 2-C to purchase or transfer urchins from an individual licensed under 12 M.R.S. §6748, 6748-A, 6748-D, or 6302-A subsection 3 paragraph B, without recording the transaction using the electronic recording device specified by the Department for that purpose. DMR-provided reporting software must be synchronized for updates to the reporting system prior to the purchase of urchins on each fishing day. A person licensed under 12 M.R.S. §6851 subsection 2-B or subsection 2-C may not purchase urchins from anyone who does not present an urchin transaction card. In the event of any failure of the reporting software or equipment, the Commissioner may authorize the use of paper reports until such time as the system is operational.
4. Records required. A person licensed in accordance with 12 M.R.S. §6851 subsection 2-B or subsection 2-C shall maintain transaction card documentation to account for all urchins in their possession. Any urchins legally obtained from other jurisdictions must have sufficient documentation to demonstrate their origin. Failure to provide proper documentation will be prima facie evidence that the urchins are illegal and are subject to seizure.
5. The Department will deactivate the transaction card of any individual who has met or exceeded their sea urchin harvest days. The onus is on the license holder to track days fished; harvesting beyond the number of allocated season days is considered fishing out of season and is prohibited.

Strike this Zone 1 Calendar page:

2016-2017 Sea Urchin Season for Maine Zone 1

○ = Open

□ = Closed

Early Season for Divers, Rakers and Trappers

September 2016						
S	M	Tu	W	Th	F	S
				1 ○	2 ○	3 ○
4	5	6	7 ○	8 ○	9 ○	10
11	12 ○	13 ○	14 ○	15	16	17
18	19 ○	20 ○	21 ○	22	23	24
25	26 ○	27 ○	28 ○	29	30	

Late Season for Divers, Rakers and Trappers

December 2016						
S	M	Tu	W	Th	F	S
				1 ○	2 ○	3
4	5 ○	6 ○	7	8 ○	9 ○	10
11	12 ○	13 ○	14	15 ○	16 ○	17
18	19 ○	20 ○	21	22 ○	23	24
25	26	27 ○	28 ○	29	30	31

Early Season for Draggers

December 2016						
S	M	Tu	W	Th	F	S
				1 ○	2 ○	3
4	5 ○	6 ○	7	8 ○	9 ○	10
11	12 ○	13 ○	14	15 ○	16 ○	17
18	19 ○	20 ○	21	22 ○	23	24
25	26	27 ○	28 ○	29	30	31

Late Season for Draggers

February 2017						
S	M	Tu	W	Th	F	S
			1	2 ○	3 ○	4 ○
5	6	7	8	9 ○	10 ○	11 ○
12	13	14	15	16 ○	17 ○	18 ○
19	20	21	22	23 ○	24 ○	25
26	27	28				

March 2017						
S	M	Tu	W	Th	F	S
			1	2 ○	3 ○	4
5	6	7	8	9 ○	10 ○	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

Strike this Zone 2 Calendar page:

2016-2017 Sea Urchin Season for Maine Zone 2

 = Open  = Closed

Early Season for Divers, Rakers and Trappers

September 2016						
S	M	Tu	W	Th	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

October 2016						
S	M	Tu	W	Th	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

November 2016						
S	M	Tu	W	Th	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

December 2016						
S	M	Tu	W	Th	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

Late Season for Divers, Rakers and Trappers

December 2016						
S	M	Tu	W	Th	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

January 2017						
S	M	Tu	W	Th	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
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29	30	31				

February 2017						
S	M	Tu	W	Th	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28				

March 2017						
S	M	Tu	W	Th	F	S
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5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

Early Season for Draggers

October 2016						
S	M	Tu	W	Th	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

November 2016						
S	M	Tu	W	Th	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

December 2016						
S	M	Tu	W	Th	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

January 2017						
S	M	Tu	W	Th	F	S
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8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

February 2017						
S	M	Tu	W	Th	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28				

March 2017						
S	M	Tu	W	Th	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

Late Season for Draggers

November 2016						
S	M	Tu	W	Th	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

December 2016						
S	M	Tu	W	Th	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

January 2017						
S	M	Tu	W	Th	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

February 2017						
S	M	Tu	W	Th	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28				

March 2017						
S	M	Tu	W	Th	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

2016-2017 Sea Urchin Season for Maine Zone 2 for Whiting & Denny's Bays

O = Open
 = Closed

Early Season for Divers, Rakers and Trappers

September 2016						
S	M	Tu	W	Th	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

October 2016						
S	M	Tu	W	Th	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

November 2016						
S	M	Tu	W	Th	F	S
		1	2	3	4	5
		O				
6	7	8	9	10	11	12
		O				
13	14	15	16	17	18	19
		O				
20	21	22	23	24	25	26
		O				
27	28	29	30			
	O	O				

December 2016						
S	M	Tu	W	Th	F	S
				1	2	3
4	5	6	7	8	9	10
		O				
11	12	13	14	15	16	17
		O				
18	19	20	21	22	23	24
		O				
25	26	27	28	29	30	31

Late Season for Divers, Rakers and Trappers

December 2016						
S	M	Tu	W	Th	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

January 2017						
S	M	Tu	W	Th	F	S
1	2	3	4	5	6	7
	O					
8	9	10	11	12	13	14
	O					
15	16	17	18	19	20	21
	O					
22	23	24	25	26	27	28
	O					
29	30	31				
	O					

February 2017						
S	M	Tu	W	Th	F	S
			1	2	3	4
5	6	7	8	9	10	11
	O					
12	13	14	15	16	17	18
	O					
19	20	21	22	23	24	25
	O					
26	27	28				
	O					

March 2017						
S	M	Tu	W	Th	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

Early Season for Draggers

December 2016						
S	M	Tu	W	Th	F	S
				1	2	3
4	5	6	7	8	9	10
				O		
11	12	13	14	15	16	17
				O		
18	19	20	21	22	23	24
				O		
25	26	27	28	29	30	31
				O		

February 2017						
S	M	Tu	W	Th	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
				O		
19	20	21	22	23	24	25
				O		
26	27	28				

March 2017						
S	M	Tu	W	Th	F	S
			1	2	3	4
			1	2		
			O	O		
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

Late Season for Draggers

December 2016						
S	M	Tu	W	Th	F	S
				1	2	3
4	5	6	7	8	9	10
				O		
11	12	13	14	15	16	17
				O		
18	19	20	21	22	23	24
				O		
25	26	27	28	29	30	31
				O		

February 2017						
S	M	Tu	W	Th	F	S
			1	2	3	4
5	6	7	8	9	10	11
				O		
12	13	14	15	16	17	18
				O		
19	20	21	22	23	24	25
				O		
26	27	28				

March 2017						
S	M	Tu	W	Th	F	S
			1	2	3	4
			1	2	3	
			O	O	O	
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

Insert this Zone 1 calendar as if underlined (at the end of Ch. 26):

2017-2018 Sea Urchin 15 Day Season for Maine Zone 1*

*A Zone 1 harvester may choose to fish 15 of 20 optional days

= Open

= Closed

Early Season for Divers, Rakers and Trappers

Late Season for Divers, Rakers and Trappers

September 2017						
S	M	Tu	W	Th	F	S
					1	2
					O	O
3	4	5	6	7	8	9
		O	O	O	O	
10	11	12	13	14	15	16
	O	O	O	O		
17	18	19	20	21	22	23
	O	O	O	O		
24	25	26	27	28	29	30
	O	O	O	O		

October 2017						
S	M	Tu	W	Th	F	S
1	2	3	4	5	6	7
			O	O		
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

December 2017						
S	M	Tu	W	Th	F	S
					1	2
3	4	5	6	7	8	9
	O	O	O			
10	11	12	13	14	15	16
	O	O	O			
17	18	19	20	21	22	23
	O	O	O	O		
24	25	26	27	28	29	30
	O		O			
31						

February 2018						
S	M	Tu	W	Th	F	S
				1	2	3
4	5	6	7	8	9	10
	O	O				
11	12	13	14	15	16	17
	O	O				
18	19	20	21	22	23	24
	O	O				
25	26	27	28			
	O	O				

Early Season for Draggers

Late Season for Draggers

December 2017						
S	M	Tu	W	Th	F	S
					1	2
					O	O
3	4	5	6	7	8	9
	O	O	O	O		
10	11	12	13	14	15	16
	O	O	O	O	O	
17	18	19	20	21	22	23
	O	O	O	O	O	
24	25	26	27	28	29	30
	O		O	O	O	O
31						

February 2018						
S	M	Tu	W	Th	F	S
				1	2	3
				O	O	
4	5	6	7	8	9	10
			O	O	O	
11	12	13	14	15	16	17
			O	O	O	
18	19	20	21	22	23	24
			O	O	O	
25	26	27	28			
			O			

March 2018						
S	M	Tu	W	Th	F	S
				1	2	3
				O	O	
4	5	6	7	8	9	10
	O	O	O	O		
11	12	13	14	15	16	17
	O	O				
18	19	20	21	22	23	24
25	26	27	28	29	30	31

Insert this Zone 2 calendar as if underlined (at the end of Ch. 26):

2017-2018 Sea Urchin Season for Maine Zone 2

***A Zone 2 harvester may choose to fish 38 of 45 optional days**

= Open = Closed

Early Season for Divers, Rakers and Trappers

S	M	Tu	W	Th	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

S	M	Tu	W	Th	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

S	M	Tu	W	Th	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

S	M	Tu	W	Th	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

Late Season for Divers, Rakers and Trappers

S	M	Tu	W	Th	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

S	M	Tu	W	Th	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

S	M	Tu	W	Th	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28			

S	M	Tu	W	Th	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

Season for Draggers

S	M	Tu	W	Th	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

S	M	Tu	W	Th	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

S	M	Tu	W	Th	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

S	M	Tu	W	Th	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

S	M	Tu	W	Th	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

S	M	Tu	W	Th	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28			

S	M	Tu	W	Th	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

Insert this Zone 2 Whiting & Denny's Bay Limited Access Area Calendar as if underlined (at the end of Ch. 26):

2017-2018 Sea Urchin Season for Maine Zone 2 for Whiting & Denny's Bays

O = Open = Closed

Early Season for Divers, Rakers and Trappers

September 2017						
S	M	Tu	W	Th	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13 O	14	15	16
17	18	19	20 O	21	22	23
24	25	26	27 O	28	29	30

October 2017						
S	M	Tu	W	Th	F	S
1	2	3	4 O	5	6	7
8	9	10	11 O	12	13	14
15	16	17	18 O	19	20	21
22	23	24	25 O	26	27	28
29	30	31				

November 2017						
S	M	Tu	W	Th	F	S
			1 O	2	3	4
5	6	7	8 O	9	10	11
12	13	14	15 O	16	17	18
19	20	21	22 O	23	24	25
26	27	28	29 O	30		

December 2017						
S	M	Tu	W	Th	F	S
					1	2
3	4	5	6 O	7	8	9
10	11	12	13 O	14	15	16
17	18	19	20 O	21	22	23
24	25	26	27	28	29	30
31						

Late Season for Divers, Rakers and Trappers

December 2016						
S	M	Tu	W	Th	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

January 2017						
S	M	Tu	W	Th	F	S
1	2 O	3	4	5	6	7
8	9 O	10	11	12	13	14
15	16 O	17	18	19	20	21
22	23 O	24	25	26	27	28
29	30 O	31				

February 2017						
S	M	Tu	W	Th	F	S
			1	2	3	4
5	6 O	7	8	9	10	11
12	13 O	14	15	16	17	18
19	20 O	21	22	23	24	25
26	27 O	28				

March 2017						
S	M	Tu	W	Th	F	S
			1	2	3	4
5	6 O	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

Season for Draggers

December 2017						
S	M	Tu	W	Th	F	S
					1	2
3	4	5	6 O	7	8	9
10	11	12	13 O	14	15	16
17	18	19	20 O	21	22	23
24	25	26	27 O	28	29	30
31						

January 2018						
S	M	Tu	W	Th	F	S
	1	2	3 O	4	5	6
7	8	9	10 O	11	12	13
14	15	16	17 O	18	19	20
21	22	23	24 O	25	26	27
28	29	30	31 O			

February 2018						
S	M	Tu	W	Th	F	S
				1	2	3
4	5	6	7 O	8	9	10
11	12	13	14 O	15	16	17
18	19	20	21 O	22	23	24
25	26	27	28 O			

March 2018						
S	M	Tu	W	Th	F	S
				1	2	3
4	5	6	7 O	8	9	10
11	12	13	14 O	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

Rule-Making Fact Sheet

(5 M.R.S., §8057-A)

AGENCY: Department of Marine Resources

NAME, ADDRESS, PHONE NUMBER OF AGENCY CONTACT PERSON:

Amanda Ellis, Department of Marine Resources, 21 State House Station, Augusta, Maine 04333-0021 Telephone: (207) 624-6573;
web address: <http://www.maine.gov/dmr/rulemaking/>

CHAPTER NUMBER AND RULE: Chapter 26

STATUTORY AUTHORITY: 12 M.R.S. § 6749 § 6173

DATE AND PLACE OF PUBLIC HEARING(S): **May 30, 2017 at 6:00 p.m.:** DMR Conference Room, Marquardt Building, 32 Blossom Lane, Augusta; **May 31, 2017 at 6:00 p.m.:** Ellsworth City Hall (Council Chambers), One City Hall Plaza, Ellsworth

COMMENT DEADLINE: **June 12, 2017**

PRINCIPAL REASON(S) OR PURPOSE FOR PROPOSING THIS RULE: [*see* §8057-A(1)(A)&(C)]

This regulation would establish open harvest days for the taking of sea urchins by divers, rakers, trappers, and draggers in Zones 1 and 2 for the 2017-2018 season. It also establishes the utilization of harvester swipe cards for picking days to fish. This is a pilot project which aims to evaluate the swipe card system which could potentially provide industry the flexibility to fish in a more safe manner and to increase sea urchin roe quality.

For Zone 1, 20-day seasons are proposed for divers, trappers, rakers and draggers in 2017-2018, from which harvesters may only fish up to 15 days of their choosing, the same number of days allowed during the 2016-2017 season. The Sea Urchin Zone Council recommended the selection of these particular days. Divers, rakers and trappers may fish 15 days beginning in September into October (“early season”), or 15 days in December and February (“late season”); and, draggers may fish 15 days in December (“early season”), or February and March (“late season”).

For Zone 2, 45-day seasons are proposed for divers, trappers, rakers and draggers in 2017-2018, from which harvesters may only fish up to 38 days of their choosing, the same number of days allowed during the 2016-2017 season. The Sea Urchin Zone Council recommended the selection of these particular days for divers, rakers and trappers who may fish 38 days in September through December (“early season”), or 38 days in December through March (“late season”). Based on the recommendation and discussions at the most recent Sea Urchin Zone Council meeting, the Department proposes a single season calendar for Zone 2 draggers, who may fish 38 days beginning in mid-October through to March.

For the Whiting & Dennys Bays Limited Access Area in Zone 2, a 15-day season is proposed for Zone 2 divers, trappers, rakers and draggers in 2017-2018, which is six additional days compared to the 2016-17 season. Zone 2 divers, rakers and trappers may fish 15 days in October, November and December (“early season”), or 15 days in December, January, February and March (“late season”); Zone 2 draggers would have 15 days in November, December, January, February and March. The particular days mirror days which the Sea Urchin Zone Council recommended for the Zone 2 season calendars

This regulation also establishes a limited access area in Blue Hill Bay for a Department-initiated, five year collaborative, research project in which industry partners are provided with spatial trackers. The goal of this project is to gain insight into the dynamics between fishery removals and the resource at the reef level. The spatial tracker must be turned on and continuously recording data for the entire duration of each season, chosen by the harvester. Scientific evidence indicates that a critical mass of sea urchins is required to maintain a productive “barren”, urchin’s preferred habitat. Information collected through this project will assist in establishing optimum harvesting strategies which could help the fishery rebuild and support potential new entrants.

IS MATERIAL INCORPORATED BY REFERENCE IN THE RULE? ___ YES ___ X NO [§8056(1)(B)]

ANALYSIS AND EXPECTED OPERATION OF THE RULE: [*see* §8057-A(1)(B)&(D)]

This proposed rule seeks to conserve the sea urchin resource for utilization in the future; if it is successful in doing so it will have a positive impact on small business (sea urchin harvesters and sea urchin processors) in the long term. The Department worked with the Sea Urchin Zone Council to develop this combination of proposed rule changes

BRIEF SUMMARY OF RELEVANT INFORMATION CONSIDERED DURING DEVELOPMENT OF THE RULE

This regulation would establish open harvest days for the taking of sea urchins by divers, rakers, trappers, and draggers in Zones 1 and 2 for the 2017-2018 season. It also establishes the utilization of harvester swipe cards for picking days to fish. This is a pilot project which aims to evaluate the swipe card system which could potentially provide industry the flexibility to fish in a safer manner and to increase roe quality. For Zone 1, 20-day seasons are proposed for divers, trappers, rakers and draggers in 2017-2018, from which harvesters may only fish up to 15 days of their choosing, the same number of days allowed during the 2016-2017 season. For Zone 2, 45-day seasons are proposed for divers, trappers, rakers and draggers in 2017-2018, from which harvesters may only fish up to 38 days of their choosing, the same number of days allowed during the 2016-2017 season. For the Whiting & Dennys Bays Limited Access Area in Zone 2, a 15-day season is proposed for Zone 2 divers, trappers, rakers and draggers in 2017-2018, which is six additional days compared to the 2016-17 season. This regulation also establishes a limited access area in Blue Hill Bay for a Department-initiated, five year research project in collaboration with industry partners provided with spatial trackers.

ESTIMATED FISCAL IMPACT OF THE RULE: [see §8057-A(1)(C)]

Enforcement of these proposed amendments will not require additional activity in this Agency. Existing enforcement personnel will monitor compliance during their routine patrols.

FOR EXISTING RULES WITH FISCAL IMPACT OF \$1 MILLION OR MORE, ALSO INCLUDE:

ECONOMIC IMPACT, WHETHER OR NOT QUANTIFIABLE IN MONETARY TERMS:

[see §8057-A(2)(A)]

INDIVIDUALS, MAJOR INTEREST GROUPS AND TYPES OF BUSINESSES AFFECTED AND HOW THEY WILL BE AFFECTED: [see §8057-A(2)(B)]

BENEFITS OF THE RULE: [see §8057-A(2)(C)]

Note: If necessary, additional pages may be used.