

**NOTICE OF AGENCY RULE-MAKING ADOPTION****AGENCY:** Department of Marine Resources**RULE TITLE OR SUBJECT:** Chapter 25 Lobster and Crab; 25.45 Crab Fishing Limitations**CONCISE SUMMARY:**

In accordance with the Atlantic States Marine Fisheries Commission (ASMFC) Interstate Fishery Management Plan for Jonah Crab (August 2015), the Department is adopting rules which will implement size and possession limits for Jonah Crabs, as required under the FMP. These new requirements include setting a minimum size of 4.75 inches; making it unlawful to possess egg-bearing, female Jonah crab; making it unlawful to possess mutilated Jonah crabs on board a vessel; and making it unlawful for recreational possession of more than 50 Jonah crabs per person per 24-hour day. In addition, the rule consolidates three pre-existing regional/seasonal limits on crab under the new crab section.

**THIS RULE WILL \_\_\_ WILL NOT  HAVE A FISCAL IMPACT ON MUNICIPALITIES.****STATUTORY AUTHORITY:** 12 M.R.S. §6171**EFFECTIVE DATE:** March 7, 2016

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DEPARTMENT OF MARINE RESOURCES  
CHAPTER 25 - LOBSTER AND CRAB  
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~~25.45 Dragg-ed Crab as Bycatch~~ Crab Fishing Limitations

1. License Endorsement

It shall be unlawful to harvest crabs by drag from the EEZ unless the harvester holds a Commercial Fishing – Single license with the Dragg-ed Crab Permit endorsement or a Commercial Fishing – Crew license with the Dragg-ed Crab Permit endorsement\*. There will be no additional charge for this permit. A lobster and crab fishing license issued pursuant to 12 M.R.S.A. §6421 is not required to obtain this endorsement in accordance with §6421, sub-§4(B). \*DMR License Division telephone (207-624-6550) or for online information select the following link: <http://www.maine.gov/dmr/license/index.htm>.

2. Limits

A. Possession Limits

(1) For individuals taking dragg-ed crabs as bycatch, it is unlawful to take, possess or land more than 200 pounds (90.7 kg) of crabs per day, not to exceed 500 pounds (226.8 kg) per trip.

(2) For individuals fishing for or taking Jonah crabs recreationally, it is unlawful to fish for, take or possess more than 50 Jonah crabs per person per 24-hour day.

B. Size Limit

It is unlawful to take or possess a Jonah crab measuring less than 4.75 inches across the shell from tip to tip of the posterior-most, longest spines along the lateral margins of the carapace.

C. Prohibitions on Possession

(1) It is unlawful to take or possess any egg-bearing, female Jonah crab.

(2) While on board a vessel, it is unlawful to take or possess any Jonah crab, or part thereof, which is mutilated in a manner which makes accurate measurement impossible.

D. Closed Seasons

(1) Closed Season Regulation on Fishing for Crabs in Sheepscot River

It shall be unlawful to fish for or take crabs, except green crabs from December 1 to April 30, both days inclusive, from the waters inside and upstream of the following lines:

- (a) From the extreme tip of Phipps Point, Woolwich, to the southern tip of Hubbard's Point in Westport;
- (b) From the tip of Kehail Point, Westport, to the most southerly end of Barter's Island in the town of Boothbay;
- (c) Along the length of the Barter's Island Bridge and Knickerbocker Bridge, in the town of Boothbay.

(2) Closed Season on Fishing for Crabs in Damariscotta River

It shall be unlawful to fish for or take crabs, except green crabs from December 1 to April 30, both days inclusive, in the Damariscotta River above a straight line drawn across the River from a point on the shore of Back Narrows on the west side of the River in the Town of Boothbay intersecting the southwestern point of Fort Island and the red nun navigational Buoy #10 to a point on the opposite shore in the Town of South Bristol.

(3) Closed Season on Fishing for Crabs in Medomak River

It is unlawful to fish for or take crabs, except green crabs from December 1 to April 30, both days inclusive, in the Medomak River, from the waters inside and upstream of a line drawn from the southernmost tip of Jones Neck in Waldoboro northwest to the southernmost tip of Hardy Island then true west to Keene Neck in Bremen, including all waters of Broad Cove, Eastern Branch and Western Branch.

~~25.50 — Closed Season Regulation on Fishing for Crabs in Sheepscot River~~

~~It shall be unlawful to fish for or take crabs, except green crabs from December 1 to April 30, both days inclusive, from the waters inside and upstream of the following lines:~~

- ~~(d) From the extreme tip of Phipps Point, Woolwich, to the southern tip of Hubbard's Point in Westport;~~
- ~~(e) From the tip of Kehail Point, Westport, to the most southerly end of Barter's Island in the town of Boothbay;~~
- ~~(f) Along the length of the Barter's Island Bridge and Knickerbocker Bridge, in the town of Boothbay.~~

~~25.55 — Closed Season on Fishing for Crabs in Damariscotta River~~

~~It shall be unlawful to fish for or take crabs, except green crabs from December 1 to April 30, both days inclusive, in the Damariscotta River above a straight line drawn across the River from a point on the shore of Back Narrows on the west side of the River in the Town of Boothbay intersecting the southwestern point of~~

~~Fort Island and the red nun navigational Buoy #10 to a point on the opposite shore in the Town of South Bristol.~~

~~25.60—Closed Season on Fishing for Crabs in Medomak River~~

~~It is unlawful to fish for or take crabs, except green crabs from December 1 to April 30, both days inclusive, in the Medomak River, from the waters inside and upstream of a line drawn from the southernmost tip of Jones Neck in Waldoboro northwest to the southernmost tip of Hardy Island then true west to Keene Neck in Bremen, including all waters of Broad Cove, Eastern Branch and Western Branch.~~

# Basis Statement

## Chapter 25 Lobster and Crab; 25.45 Crab Fishing Limitations

In August of 2015, the Atlantic States Marine Fisheries Commission (ASMFC) American Lobster Management Board approved a Jonah crab (*Cancer borealis*) Interstate Fisheries Management Plan (FMP). This action was initiated as the result of an observed rapid increase in landings and value of Jonah Crab in the Northwest Atlantic Ocean. The plan lays out management measures for commercial and recreational Jonah crab fishery. Maine is required to comply with certain elements of the FMP, including *Sections 3.4.1, 4.1, and 4.2* (See ASMFC Jonah Crab FMP at [http://www.asmfc.org/uploads/file/55e9daffJonahCrabInterstateFMP\\_Aug2015.pdf](http://www.asmfc.org/uploads/file/55e9daffJonahCrabInterstateFMP_Aug2015.pdf)). In accordance with those sections, the Department's proposed rule sets a minimum size for Jonah crab of 4.75 inches; makes it unlawful to possess egg-bearing, female Jonah crab; makes it unlawful to possess mutilated Jonah crabs on board a vessel; and makes it unlawful for recreational possession of more than 50 Jonah crabs per person per 24-hour day.

This proposed rule seeks to comply with ASMFC management measures, thereby helping to ensure a sustainable Jonah crab fishery in the future. Marine Patrol will enforce the requirements as part of their existing enforcement activities.

# Summary of Comments

## Chapter 25 Lobster and Crab; 25.45 Crab Fishing Limitations

Attendee	Town	Occupation
Bill Sheldon	Woolwich	Elver Buyer
John Sheldon	Woolwich	Fisherman
Marvin Farrin	Bristol	Fisherman
John Taylor	Newcastle	Fisherman
Suzanne Smith	Bristol	Fisherman
Angela Young	Eastbrook	Elver Fisherman
Darrell Young	Eastbrook	Elver Fishermen (Co-Director of MEFA)
Jason Lord	New Harbor	Lobsterman
Donald Wotton	New Harbor	Lobsterman
Don Sprague	Newcastle	Fisherman
Shelly Geidel	Noridgerock	Elders
Lance Geidel	Noridgerock	Elders
Kevin White	Damariscotta	Elders
Glenn Steeves		
Jamie Liang	Portland	BBS Enterprise, Inc.
Jimmy Liang	Portland	BBS Enterprise, Inc.

Jason Lord , Donald Wotton and Darrell Young commented that there is no market for Jonah crabs and that this regulatory change is placing an additional burden on lobster fishermen. Most fishermen use the crabs as bait, or give the claws away after snapping them off and throwing back the body of the crab. By placing limits on crabs when there is no market, lobster fishermen will have to take additional steps and use resources such as space aboard the vessel and time in order to adhere to the new requirements. Attendees at the hearing suggested that fishermen be allowed to continue to snap claws and return the remainder of the crabs back to the water, allowing for less mortality than the 100% mortality of the crabs that will result from requiring that whole crabs are kept on board. To that end, the fishermen suggested that a limit on claws could be put in place, instead of the proposed regulation.

Ray Waite submitted a written comment arguing that the plan for Jonah Crab management is reasonable, but he expressed concern over whether DMR and Marine Patrol currently have the resources and have done the outreach necessary to implement the minimum size requirements especially since fishermen have not historically been trained in how to measure a crab. He also noted that female crabs are too small to pick and generally can escape through a vented lobster crab, though he also noted that lobsterman often use female crab for baiting lobster crabs.

DMR responded by acknowledging that the regulation may place additional burdens on the fishermen in regards to measuring crabs and preventing the snapping of claws. The purpose of requiring fishermen to keep the crab whole is to ensure that undersize crabs are not being retained. The minimum size is

put in place to try to ensure that crabs are able to reproduce. These new requirements are part of a multi-state structure in place under the Atlantic Marine States Marine Fisheries Commission (ASMFC) management plan for Jonah Crabs.

## Rule-Making Fact Sheet

(5 M.R.S., §8057-A)

AGENCY: Department of Marine Resources

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CHAPTER NUMBER AND RULE: Chapter 25 Lobster and Crab; 25.45 Crab Fishing Limitations

STATUTORY AUTHORITY: 12 M.R.S. §6171

DATE AND PLACE OF PUBLIC HEARING:

**February 9, 6:00 PM, DMR Conference Room, Marquardt Building, 32 Blossom Lane, Augusta**

COMMENT DEADLINE: **February 19, 2016**

PRINCIPAL REASON OR PURPOSE FOR PROPOSING THIS RULE:

In August of 2015, the Atlantic States Marine Fisheries Commission (ASMFC) American Lobster Management Board approved a Jonah crab (*Cancer borealis*) Interstate Fisheries Management Plan (FMP). This action was initiated as the result of an observed rapid increase in landings and value of Jonah Crab in the Northwest Atlantic Ocean. The plan lays out management measures for commercial and recreational Jonah crab fishery. Maine is required to comply with certain elements of the FMP, including *Sections 3.4.1, 4.1, and 4.2* (See ASMFC Jonah Crab FMP at [http://www.asmfc.org/uploads/file/55e9daffJonahCrabInterstateFMP\\_Aug2015.pdf](http://www.asmfc.org/uploads/file/55e9daffJonahCrabInterstateFMP_Aug2015.pdf)). In accordance with those sections, the Department's proposed rule sets a minimum size for Jonah crab of 4.75 inches; makes it unlawful to possess egg-bearing, female Jonah crab; makes it unlawful to possess mutilated Jonah crabs on board a vessel; and makes it unlawful for recreational possession of more than 50 Jonah crabs per person per 24-hour day.

ANALYSIS AND EXPECTED OPERATION OF THE RULE:

This proposed rule seeks to comply with ASMFC management measures, thereby helping to ensure a sustainable Jonah crab fishery in the future. Marine Patrol will enforce the requirements as part of their existing enforcement activities.

FISCAL IMPACT OF THE RULE:

No additional effort will be needed in terms of personnel or time, as enforcement personnel will monitor compliance during routine patrols and already conduct overlapping monitoring activities for the lobster and crab fishery.