

Basis Statement

Chapter 75.02(A) Trap/Pot Fisheries Gear Restrictions

NOAA's National Marine Fisheries Service (NMFS) has approved a final rule which will amend the regulations implementing the Atlantic Large Whale Take Reduction Plan (ALWTRP). In part, the federal rule deletes the "neutrally buoyant line" term and definition from the regulations, so that only the "sinking line" term and definition would remain. In the October 5, 2007 final rule, NMFS included both the terms "sinking" and "neutrally buoyant" line, with identical definitions for each, in an attempt to include familiar industry terms and assist in the understanding of the regulations.

However, industry feedback to the federal rule since the final rule was published indicates that using two terms has led to confusion and resulted in some fishermen not understanding what type of line is required for the groundline. Therefore, neutrally buoyant line is still permitted; however, for regulation purposes, it will be defined and referred to as sinking line.

The adopted regulations delete the "neutrally buoyant line" term from the regulations, so that only the "sinking line" term would remain. The definition of "sinking line" has been added to the Sliver Area and Federal waters sections for trap/pot fisheries. These rules require that ground lines must be composed entirely of sinking line in the Sliver Area and Federal waters for trap/pot fisheries. This rulemaking would provide for consistency and compliance with the federal requirements in the NOAA Fisheries Service Atlantic Large Whale Take Reduction Plan (ALWTRP) Final Rule in accordance with the Marine Mammal Protection Act and would become effective April 5, 2009.

The reference to other fisheries and its list was inadvertently left out of the paragraph in the proposed rules that refers to Federal waters in Section 75.02(A)(4). This text is currently in the existing regulations and as intended for consistency and compliance with the federal rules, see section 75.02(A)(4) online at <http://www.maine.gov/sos/cec/rules/13/188/188c075.doc>

These restrictions would apply to trap/pot fisheries (including but not limited to all crab species, hagfish, finfish, whelk, and shrimp) inside the Maine Sliver Area and federal waters.

Additionally, persons who fish the "*trap/pot fisheries (including but not limited to all crab species, hagfish, finfish, whelk, and shrimp)*" has been added to "*persons who fish lobster gear*" in the universal requirements section for *coastal waters* in section 75.02(A)(1), which requires no floating line at the surface and no wet storage of gear over 30 days. The current universal requirements apply to lobster gear in coastal waters, which includes inside of 3 miles. This amendment would add to those requirements all trap/pot fisheries in those universal requirements to provide for consistency throughout coastal waters for enforcement purposes.

Summary of Comments

A public hearing was held in West Boothbay Harbor December 15, 2008. No individuals from the public attended.

Marine Patrol personnel called attention during the comment period to the universal requirements for coastal waters in section 75.02(A)(1), which currently applies to lobster gear. It was requested that the universal requirements also apply to trap/pot fisheries (including but not limited to all crab species, hagfish, finfish, whelk, and shrimp) in coastal waters for enforcement consistency with the federal rules.

Chapter 75 – Protected Resources 75.02 Trap/Pot Fisheries Gear Restrictions

A. The following trap/pot fishing gear restrictions shall apply:

1. Universal requirements in coastal waters

All persons who fish lobster gear and trap/pot fisheries (including but not limited to all crab species, hagfish, finfish, whelk, and shrimp) within Maine's coastal waters shall comply with the following federal universal requirements for the ALWTRP:

- (a) No floating line at the surface; and
- (b) No wet storage of gear over 30 days.

2. Waters to the Exemption Line

All persons who fish lobster gear in Maine's coastal waters from the head of tide to the Exemption Line shall comply with one of the following ALWTRP options:

(a) Option 1: All buoys must be attached to the buoy line with a weak link having a breaking strength no greater than 600 pounds (272.4 kg). Weak links may include swivels, plastic weak links, rope of the appropriate breaking strength, hog rings, rope stapled to a buoy stick, or devices approved in writing by the NOAA Fisheries Assistant Administrator (See contact information in 25.20(A)(3)). In addition, the weak link must be designed so that the bitter end of the buoy line is clean and free of knots when the weak link breaks; or

(b) Option 2: All buoy lines must be made entirely of sinking ~~and/or neutrally buoyant~~ line; or

(c) Option 3: All ground lines must be made entirely of sinking ~~and/or neutrally buoyant~~ line.

3. Sliver Area

All persons who fish lobster gear and trap/pot fisheries (including but not limited to all crab species, hagfish, finfish, whelk, and shrimp) in the Maine Sliver Area, shall comply with each the following ALWTRP requirements:

(a) All buoys, floatation and/or weighted devices must be attached to the buoy line with a weak link having a breaking strength no greater than 600 pounds (272.4 kg). Weak links may include swivels, plastic weak links, rope of the appropriate breaking strength, hog rings, rope stapled to a buoy stick, or devices approved in writing by the NOAA Fisheries Assistant Administrator (See contact information in Chapter 75.01(A)(3)). In addition, the weak link must be designed so that the bitter end of the buoy line is clean and free of knots when the weak link breaks plus each weak link must be installed as close to the floatation and/or weighted device as possible.

(b) Buoy lines must be marked with a red, 4-inch mark midway on the buoy line.

(c) The attachment of buoys, toggles or other floatation devices is prohibited on ground lines.

(d) Ground lines. All ground lines must be composed entirely of sinking line.

(e) Sink rope means, for both ground lines and buoy lines, line that has a specific gravity greater than or equal to 1.030, and, for ground lines only, does not float at any point in the water column.

4. Federal waters

All persons who fish lobster gear and trap/pot fisheries (including but not limited to all crab species, hagfish, finfish, whelk, and shrimp) in Maine's coastal waters southerly of the Three Mile Limit, or as shown on NOAA, National Ocean Survey nautical charts, and within Area 1, must comply with each of the following ALWTRP requirements:

(a) All buoys, floatation and/or weighted devices must be attached to the buoy line with a weak link having a breaking strength no greater than 600 pounds (272.4 kg). Weak links may include swivels, plastic weak links, rope of the appropriate breaking strength, hog rings, rope stapled to a buoy stick, or devices approved in writing by the NOAA Fisheries Assistant Administrator (See contact information in Chapter 75.01(A)(3)). In addition, the weak link must be designed so that the bitter end of the buoy line is clean and free of knots when the weak link breaks plus each weak link must be installed as close to the floatation and/or weighted device as possible.

(b) Buoy lines must be marked with a red, 4-inch mark midway on the buoy line.

(c) Multiple traps only – no single traps allowed; trawls of 5 or fewer traps must have only one buoy line.

(d) The attachment of buoys, toggles or other floatation devices is prohibited on ground lines.

(e) Ground lines. All ground lines must be composed entirely of sinking line.

(f) Sink rope means, for both ground lines and buoy lines, line that has a specific gravity greater than or equal to 1.030, and, for ground lines only, does not float at any point in the water column.