

DEPARTMENT OF MARINE RESOURCES

Chapter 11 Scallops

11.09 Atlantic Sea Scallop Harvesting Season

The Atlantic Sea Scallop Harvesting Season in Maine's Territorial waters is open December 15, 2009 through March 24, 2010, Tuesdays through Saturdays except Friday, December 25, 2009 and Friday, January 1, 2010, all dates inclusive; this season sunsets May 1, 2009/2010.

11.10 Atlantic Sea Scallops - Limitations

1. Size, Harvesting and Conservation Zone Regulations

H. Closed Areas

It shall be unlawful to fish for, ~~or~~ take, or possess scallops taken by any method within any of the following closed areas.

Transiting exception:

Any vessel possessing scallops onboard, may transit these closed areas, only if the vessel has all fishing gear (dredges, drags) 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 block or on the winch.

(1) Casco Bay Area:

South of a line drawn from the most southwestern point of Basin Point to the northeastern tip of Jewell Island, and south and west of a line drawn from the southern tip of Jewell Island due south to the 3-mile limit, as identified on National Oceanographic and Atmospheric Administration nautical charts. Also, west of a point drawn from Gun Point due south to the 3-mile limit.

(2) Damariscotta/Sheepscot Area:

South and east of a line drawn from the most northeastern point of Dogfish Head to the most northeastern point of Macmahan Island, and south of a line drawn from the most northwestern point of Macmahan Island to the most northeastern tip of Soldier Point. Then south and east of a line drawn from the most southwestern point of Indian Point to the most northeastern point of Salter Island, and east of a line drawn from the most southwestern tip of Salter Island to the most northwestern point of Sequin Island. Then north of a line drawn from the most southern point of Sequin Island to Bantam Rock, north and west of a line continuing to the most southern point of Pumpkin Island, continuing to the Outer Heron Island Ledge Buoy, continuing to the most southeastern point of Thrumcap Island, following the shoreline to the most southwestern point of Thrumcap Island, and north and west of a line drawn from this point to the most southern tip of Shipley Point, following the shoreline of Rutherford Island. Also, west of the South Bristol Bridge, and south of a line drawn from the most southern tip of Jones Point to the most northeastern tip of Montgomery Point.

(3) Muscongus/Western Penobscot Area:

Western Line:

North and east of a line beginning at the intersection of Latitude 43° 55' N on Pemaquid Neck (just north of Brown's Cove, Bristol), and following this latitude to its intersection on the east shore of Mosquito Island, St. George, then southeast to the southern tip of Metinic Green Island, then due south to the 3-mile limit.

Eastern Line: West of a line starting a Whitehead Island, St. George, then in a southeast direction to the southern end of Two Bush Island and continuing in a southeast direction to the Foster's Ledges Buoy R N"10", then due South to the 3-mile limit.

(4) Eastern Penobscot Area:

Eastern Penobscot Area:

The Eggemoggin Reach southeast of the Deer Isle Bridge and north of a line starting at the southern most tip of Naskeag Point, Brooklin, then southwest to the most southeastern point of Stinson Neck, Deer Isle AND north of a line starting at the most southwestern tip of Stinson Neck, Deer Isle running west to Coles Point on Whitmore Neck, Deer Isle; this includes all of Southeast Harbor.

Lower Jerico Bay:

South of a line starting at Lower Head, Marshall Island then running southwest to the northern end of Little Spoon Island and from the south end of Little Spoon Island due south to the 3-mile limit AND west of a line starting at the eastern most part of Devils Head, Marshall Island continuing southeast to the most eastern point of Heron Island then onto the RW "BC" whistle buoy, then due south to the 3-mile limit.

(5) Blue Hill Harbor/Morgans Bay Area:

North of a line drawn from Stills Point, Blue Hill Neck to the most northern point of Long Island, and north of a line drawn from the most northern point of Long Island to the most southwestern point of Newbury Neck.

(6) Mt. Desert Area:

All of Somes Sound and east of a line starting at Bass Harbor Head then in a southeast direction to the most easterly Point of Great Gott Island continuing on south to the three mile line and west of a line starting at the most eastern side of Otter Pt. MDI continuing True South to the 3-mile limit.

(7) Gouldsboro Bay Area:

Inside and north of a line starting a Young's Point, Corea east to the end of Dyer Pt. in Steuben.

(8) Jonesport/Machias Area:

(a) The Reach: East and north of a line starting at the most eastern end of Tibbett Island then east to the most northern end of Ram Island then on to the most western end of Slate Island and west of a line starting at the end of the breakwater Sawyer's Cove the southeast to the most western end of Pig Island and then due south to the closes point of land of Great Wass Island.

(b) Chandler Bay/Englishman's Bay: North of a line starting at the Roque Island Cable Area running between Jonesport and Roque Island and north of a line starting at the most northeastern point of Great Head, Roque, Island; then northeast to the most southern end of Shoppee Point, Roque Bluffs.

(c) Machias Area: North and west of a line starting at Bucks Head, Machiasport proceeding east to the southern end of Northwest Head on Cross Island then due south to the 3-mile line, and east of a line drawn due south from Great Head, Cutler to the 3-mile limit.

(9) St. Croix River Area:

North and east of a line drawn from the Gleason Point, Perry east to the US-Canada border.

This regulation, Chapter 11.10(1)(H), expires May 1, 2012.

~~(1) Southern Closure:-~~

~~Western Boundary: The Maine/New Hampshire Border to the 3-mile limit, as identified on National-Oceanographic and Atmospheric Administration nautical charts, hereafter referred to as the 3-mile limit.  
Eastern Boundary: A line drawn from Wood Island Light 180° magnetic south to the three-mile limit.~~

~~(2) Casco Bay Closure:~~

~~Western Casco Bay Closure: All territorial waters located between:-~~

~~Western Boundary: A straight line from Adams Head, Richmond Island, east to RW "P" Horn (43-degrees 31.60' N Latitude, 70-degrees 05.49' W Longitude).~~

~~Eastern Boundary: A straight line from Portland Head Light, SSE to RW "P" Horn (43-degrees 31.60' N Latitude, 70-degrees 05.49' W Longitude).~~

~~Eastern Casco Bay Closure: All territorial waters located between:-~~

~~Western Boundary: A straight line from the southern end of Jaquish Island SW to RW "P" Horn (43-degrees 31.60' N Latitude, 70-degrees 05.49' W Longitude).~~

~~Eastern Boundary: A straight line from Outer Head Griffith Head in the mouth of the Sheepscot River to R "20ML" Bell (43-degrees 41.45' N Latitude, 069-degrees 45.29' W Longitude) then proceeding due south 180-degrees magnetic to the three-mile limit.~~

~~(3) Western Penobscot Closure:~~

~~Western Boundary: Beginning at Owls Head Light due southeast to the most eastern tip of Monroe's Island, thence southeast to the R N #10 nun buoy at Foster Ledges.~~

~~Eastern Boundary: From Head of the Cape at Cape Rosier due southwest to the western side of Stand-in-Point, North Haven. Thence due south to the R N #10 nun buoy at Foster Ledges.~~

~~(4) Mt. Desert Closure s: Note: Open areas are included in this section for clarity.~~

~~Blue Hill Bay Area:~~

~~Closed: North of a line beginning at Lopaus Point, Tremont, due west to the most southern point of Pond Island, thence northwesterly to the end of Naskeag Point, Brooklin.~~

~~Open: West of a line beginning at Bass Harbor Head thence due SE to the southernmost end of Great Duck Island, thence due south 180 degrees magnetic to the three mile limit.~~

~~Frenchman Bay Area:~~

~~Closed:-~~

~~Western Boundary: Beginning at Bass Harbor Head, thence due SE to the southernmost end of Great Duck Island, then due south 180 magnetic to the three mile limit.~~

~~Eastern Boundary: Beginning at Schoodic Point, thence due south 180 magnetic to the three mile limit.~~

~~Northern Boundary: Beginning at the western tip of Hancock Point following a line to the northern tip of Ironbound Island, thence southeast to the most western tip of Grindstone Neck, Winter Harbor.~~

~~Open: North of a line beginning at the western tip of Hancock Point following a line to the northern tip of Ironbound Island, thence southeast to the most western tip of Grindstone Neck, Winter Harbor.~~

~~(5) Jonesport/Beals Closure:~~

~~Includes all the coastal waters northerly and inshore of the international bridge that connects Lubec to Campobello Island, New Brunswick, including the St. Croix River.~~

~~(6) Eastern Closure:~~

~~Western boundary: Beginning at Western Head thence due south 180° magnetic to the three mile limit.~~

~~Eastern boundary: The United States/Canada Border to the 3-mile limit, as identified on National Oceanographic and Atmospheric Administration nautical charts, including all of Cobscook Bay.~~

~~This regulation, Chapter 11.10(H), expires May 1, 2009.~~

# **Basis Statement**

## **Chapter 11.09 Atlantic Sea Scallop Harvesting Season, and Chapter 11.10(1)(H) Closed Areas**

Maine scallop landings have declined precipitously from a peak of nearly 4 million pounds in 1980-1981 to less than 400,000 pounds each year since 2001. Although landings data show a small recent increase, this may reflect an increase in dealer reporting rather than in resource abundance. Numbers also declined slightly from 158,000 pounds in 2007 to 137,000 pounds in 2008. DMR began a dredge-based fishery-independent survey of the state scallop resource in 2002. Coast wide -surveys in 2002 and 2003 found the resource to be healthiest in Cobscook Bay and small portions of eastern Maine, with patchy and poor abundance along the rest of the coast. Survey results from 2005 to 2008 indicate a significant decline in scallop abundance in most coastal Maine areas. In western Maine, overall scallop abundance declined by an average of more than 50% between 2003 and 2005. Eastern Maine populations are also declining, with an overall drop between 2003 and 2008. The 2008 survey examined the eastern Maine coast outside of Cobscook Bay, where scallop abundance remains patchy and very low. Although Eastern Maine scallop populations showed an overall decline between 2003 and 2008, the survey noted small positive recruitment signals (a presence of seed) in six areas. Three of these areas (Gouldsboro Bay, Blue Hill Harbor and Southeast Harbor) are contained within the proposed closures.

The Department and the Scallop Advisory Council (SAC) have spent over 18 months developing a strategic plan to manage Maine's scallop resource. Many ideas were debated, and conservation closures received broad support during this process. The Department announced in January 2009 that the 2009/2010 scallop season would not be opened unless substantial conservation closures were established. Six public meetings were held in April to solicit closure recommendations from area fishermen, and these recommendations were shared with the SAC. In May, the Commissioner presented his proposal for 8 conservation closures to the SAC. This proposal was based on area meeting recommendations, survey data, and consultations with Marine Patrol, scientific and management staff. At their May 21, 2009 meeting, the SAC opted to accept five of the closures as drawn, to redraw three and to add a ninth to protect sublegal scallops in upper Blue Hill Bay. The Commissioner accepted their recommendation with one exception, which was to extend the northern boundary of the Sheepscot River Closure.

As a result of comments received during the public hearing process, the SAC recommended changes to the proposed rule, which have been incorporated into the final rule: the western portion of the Western Penobscot Closure has been amended to more accurately reflect the original recommendation of the SAC; the Eastern Penobscot Closure has been split into a northern and southern component to provide more access to traditional fishing grounds and "bad weather" opportunities; the eastern section of the Jonesport/Machias closure has been amended to open a small but important section of "bad weather" fishing opportunity.

Concerning the season, the Department recommended no more than a 70-day season. At their May 21 meeting, the SAC recommended that a split season (Dec 1-January 4 and February 25-March 31, all dates inclusive) go out to public hearing. As a result of comments given during the public hearing process, the SAC changed their recommendation. At their July 30, 2009 meeting, they made the following recommendation, which was delivered as written comment to the Department: Season opens December 15 and runs through March 24, with all Sundays and Mondays and the Fridays of December 25 and January 1 off. The Department accepts this recommendation, which is put forth in this final proposed rule. A clarification has been made in the first sentence in section (10)(1)(H); with the addition of the term possess for enforcement purposes.

# Summary of Comments

Public hearings were held in Yarmouth, Machias, Ellsworth and Rockland August 20, 21, 23 and 24, 2009 respectively. A summary of the comments and questions pertaining to the proposed rules with the Department's responses follow the list of hearing attendees. Most comments received were opposed to the proposed rules or suggested alternatives. Hearing attendees who provided comments at the hearings are identified in bold.

Individual's written comments or summarized individual hearing comments are available to download from the web site <http://www.maine.gov/dmr/council/dmradvisory/agenda/2009/sept162009.htm> or contact [laurice.churchill@maine.gov](mailto:laurice.churchill@maine.gov) or 207-633-9584 for a copy.

## Hearing Attendees - Yarmouth:

**George Freeman**, Scarborough, SAC member  
**David Header**, Portland  
Annie Tselikis, Stonington, Penobscot East Resource Center (PERC)  
**Terrence Kenney**, Harpswell, SAC member  
**Brian Preney**, Falmouth  
**Brian Soper**, Harpswell  
Dana Temple, Cape Elizabeth, SAC chair  
DMRL T. Brawn, Lt. Cornish, L. Churchill

## Hearing Attendees - Machias:

Bruce Porter, Cutler, dragger  
**Maurice Alley**, Beals  
Katrina Giese, Stonington, PERC  
**Anne Tselikis**, Stonington, PERC  
**Leo Murray**, Lubec  
**Tom Pottle**, Perry  
**Scott Emery**, Eastport  
**Ernest Kelley Jr.**, Jonesport, SAC member  
**Tracey Sawtelle**, Lubec  
**James Ackley**, Machias  
Robert Holland, Jonesboro  
Jeremy Holland, Jonesboro  
Ivory Preston, Roque Bluffs  
Michael S. Murphy II, Machiasport  
**Mike Danforth**, Addison  
**David Cline**, Cutler  
**Farrell Beal**, Beals  
Brent Griffin, Edmunds  
Carroll Dinsmore Jr., Lubec  
Will Hopkins, Eastport  
Heidi Leighton, Pembroke  
Senator Kevin L. Raye, Perry  
**Isaac Beal**, Beals  
Jason Alley, Jonesport  
**Owen Moody**, Roque Bluffs  
**Paul Cox**, Dennysville  
**Byron Matthews**, Lubec  
DMR: T. Brawn, L. Churchill, MPO Wright

## Hearing Attendees - Ellsworth:

**Dennis Sargent Sr.**, Steuben  
**Dana Black**, Orland  
**Christine Howe**, Orland  
**Robert Ray**, Stonington  
**Derek Jones**, Stonington  
**Frank Jones**, Stonington  
Tim Harper, SW Harbor, SAC member  
**Anne Tselikis**, Stonington, PERC

**James West**, Sorrento  
DMR: T. Brawn, L. Churchill, Lt. Talbot

## Hearing Attendees - Rockland:

**Jim Wotton**, Friendship  
**Paul Farmer**, Cushing  
Doug Wilshire, Friendship  
**Mike Hutchings**, Lincolnville  
Kenneth Weed, Lincolnville  
**Doug McLennan**, Spruce Head  
**Mike Keating**, Owls Head  
Travis Fogg, Spruce Head  
**Kendall Smith**, Lincolnville  
**Brian Preney**, Falmouth  
DMR: T. Brawn, L. Churchill, Sgt Cloutier

## Written comments:

### Closures and season written comments:

Justin Boyce, Stonington  
Brian Soper, Gurnet Trading, Harpswell  
Christine Howe, Orland [2]  
Christine Howe and Dana Black, Orland  
\*\*169 signatures from Christine Howe, Orland  
Brian Preney, Falmouth  
Mike Hutchings, Lincolnville  
\*\*117 signatures from James Ackley, Machias  
Dana Temple, Chair, Scallop Advisory Council  
Andy Mays, Southwest Harbor, SAC member  
**Cobscook area – Whiting and Denny's Bay closure:**  
David J. Cline, [no address]  
Joyce M. Cline, [no address]  
Rita Landeen, [no address]  
Adam Brooks, [no address]  
Gina Bryant, [no address]  
Kadie L. Brooks, [no address]  
Kevin Brooks, [no address]  
David W. Cline, [no address]  
Laurie E. Cline, [no address]  
Forest Atwater, [no address]  
Virginia McGuire, [no address]  
\*\*21 signatures, [no addresses]

\*\* A copy of the signatures for each petition is available to download from:  
<http://www.maine.gov/dmr/council/dmradvisory/agenda/2009/sept162009.htm>

## Summarized comments and responses:

### Season

**Length:** The season should be **78 days, not 70**; the extra 8 days would mean 4 day work weeks from December 1 – April 15 without a closure. A straight schedule with no shut downs; this is the difference between all working at the beginning and at the end leveling things out between dragger fishermen and divers.

**Weekends:** Include the weekend days and vacation time so younger kids may be able to go fishing with their dads and learn how to go scalloping.

No weekend or vacation days means this almost completely eliminates a whole generation of future fishermen. How else will kids get a chance to go on a boat scalloping and see what the fishery is all about.

**Split Season:** December then March and April instead of January, February, March, during the worst weather. If that is what we end up with is 70 days, which we will support a split season.

As a diver and we don't do much in December due to poor visibility; January and February are the months to go scallop fishing. In March other things start to thaw out, you can go clamming, guys are back lobstering and there are more work opportunities.

Dec. to April is ok; if we have to have a 70 day season the dates proposed are fine.

**Not a Split Season:** This should not be a split season. Have it start later in December. It would be better for divers to start in January or February and go straight into April.

4 day season, straight through and couple days off at Christmas, no split season; our bills come every week... Last year December was a pretty miserable month so you can't figure that February is our worst weather month.

The split season is very difficult for the draggers to rig their boat then let it sit without it being used or to do another fishery.

Oppose the split season; as fishermen now have enough on our plates as it is. The season should be December 1<sup>st</sup> to April 15<sup>th</sup>; in the average season you're only going to get 4 days a week due to weather.

If it is 4 days a week you get to pick the 4 days a week and you should be able to go weekends.

Start January 1<sup>st</sup> and run for 70 days consecutive days. We need to be able to scallop fish in the months of January and February. I'd rather see a 4 month season. The reduction in the season already last year it didn't work for me, there was no other work.

The season should be consecutive days because that would alleviate a lot of gear conflict between lobstermen and scallop fishermen, which seems to happen with the December opening.

Start a consecutive season either December or January 1<sup>st</sup>.

Leave the season as it is. It's closed down at least 8 months of the year anyway; that is a good closure. I think it should have been left alone with 4 months open.

The same kind of season as last year will work although I do not like the 5 week break in the middle of the season.

### **Days per week/days of the week:**

Support 4 days a week for the total 70 days without having the 2 split seasons; no weekends, Mon. – Thurs.

The split season didn't work very well last year; it should be a straight season.

Straight season, 4 days a week; Monday - Thursday, or Tuesday through Friday, or no particular days...

No Saturdays or Sundays

If the season is 4 days a week they should start the same 3 days as the urchin season.

3-4 days a week [straight] instead of the split season. Need something to do in the winter; weekends off.

See petition with 117 names for proposed 2009-2010 scallop season of Tuesday through Friday starting December 1, 2009 thru March 31, 2010. No weekends. Only exception is on the weeks of Christmas and New Year's, scalloping will be on Monday through Thursday.

4 days a week is better than 2 months off.

Scallop Advisory Council Recommendation: Season start date: December 15, 2009; Season end date: March 24, 2010. This allows for a 70 day season. Work week: Tuesday through Saturday excluding the two Friday holidays of Christmas and New Years Day

### **Response:**

*As evidenced by the summary of comments, opinions concerning how the season should be allocated varied widely. Although some harvesters (primarily from western and mid-coast) preferred a split season, the majority were opposed to a split season. This opposition to a split season is in keeping with the majority of opinions expressed to the Department over the past 8 months (since the 2008/2009 split season occurred).*

*A strong component of industry, primarily located in the eastern portion of the state, preferred a four-day week with no week-end days. Taking three days off each week was intended to stretch the duration of the scallop season over a longer period. However no clear rationale for excluding week-ends was given other than a desire to have week-ends off and the assertion that those with other employment should have to take days off to fish for scallops.*

*Several commentators expressed a desire to begin fishing later than December 1 due to gear conflicts (lobster gear) that are not resolved until later in the year. Others expressed a desire to begin the season prior to the holidays, both to take advantage of the holiday market and to earn money for Christmas presents.*

*Several harvesters noted that “days off” create danger: if you’re limited to certain days a week, you feel more of a need to fish on those days despite the weather.*

*After discussing and debating the various options, the SAC eventually recommended a compromise at their July 30 meeting, which was submitted to the Department in written form: A 70-day season December 15 – March 24 (both days inclusive), taking all Sundays and Mondays and the Fridays of December 25 and January 1 off.*

*The Department agrees with this recommendation for the following reasons: Due to its winter season and (current) low resource abundance, the scallop fishery is primarily a supplemental fishery. We do not feel it would be fair or prudent to design a season specifically to disadvantage those with other jobs. Although we can appreciate a desire to have week-ends off, this in itself is not adequate justification to disadvantage the (recreational and commercial) harvesters whose employment or school schedules prevent them from fishing during the week. The Department feels it is important to include one week-end day. We also feel the start date of December 15 is a reasonable compromise between those who wanted to fish in December and those who wanted to begin later. We feel a 5-day week is a good compromise between extending the season over a longer period of time and the desire to not have too many “days off” due to the incentives this may create to fish in foul weather. In sum, we agree with the compromise solution suggested by the SAC.*

## **Management issues and closures overall**

### **Management plan first:**

- No closures in the State of Maine should happen until a formal management plan is in place.
- Basing the closures on the premise of imminent depletion of Atlantic sea scallops does not exist.
- Stop the DMR from moving forward with this program because it has no basis and will only result in denying fishermen rights to fish in their fishing grounds in the State of Maine.
- I cannot support any closures until such time provisions are put in place before hand to reopen these areas.
- Closing areas without any plan beforehand whether it be on rotational closures; who will fish the areas once or if they are actually to reopen, or any other management plan, should be addressed first.
- Unless there is a management plan before hand how to reopen these it is ludicrous to give DMR the power to reopen these however they want.
- No regional closures should be put in place until area management is established through LD 932.
- What is the plan after the opening, what is the final analysis? Answer this before imposing the closures.
- Fishermen from Casco Bay were asked for specific areas and they gave proposals for areas we could close for more than 3 years or 5 or 10 years. Instead we were cut in half; they said you choose this half or you choose this half. This takes half of our employment away.

### **Response:**

*It was at the request of the SAC and other stakeholders that the Department included a 3-year sunset in this proposed rule. The Department has always stressed the importance of ensuring a management plan is in place prior to the re-opening of any closure. However there are several reasons the Department does not support postponement of closures until after management has been established:*

- *Some closures may experience a dramatic increase in scallop abundance while others experience no change. This information should be considered when developing the regulations concerning their re-opening.*

- *It may take several years to establish sustainable management within the closures. The Department would prefer that scallops be recovering during this time as opposed to being further depleted.*
- *A bill has been carried over to the second session of the 124<sup>th</sup> Legislature that may establish area management for scallops. The Department hopes to work with the SAC, industry, and the sponsor of this bill to ensure effective management within the closures.*
- *The Department has worked with the SAC and other stakeholders to develop a strategic plan to rebuild and manage Maine's scallop program. These closures are an integral part of that plan. To prohibit part of the plan until the plan is in place is paradoxical.*
- *If it were Department policy to refrain from activities that did not have formal management plans, most fishing activities in Maine would be prohibited.*
- *These closures are the product of two years of work. The recovery they are designed to facilitate will provide an incentive for stakeholders to work together to ensure adequate management upon reopening.*
- *We have developed, and plan to continue to develop, sustainable management that allows fishing despite the dramatic decline in resource abundance. We have designed these closures to encourage recovery while still keeping scallop beds open to fishing along the coast.*

*In terms of imminent depletion, the commenter is confusing this proposed rule change with the emergency closures that occurred earlier this year. At that time, concern of the potential for unusual damage or imminent depletion prompted emergency regulations (closures) enacted for the second half of the 2008/2009 season. Since then, substantial efforts have been put forth to design this system of conservation closures, which we believe are necessary for sustainable long-term management of the scallop fishery.*

**Management blackmail:**

There should be no lines because the state is using blackmail by saying if you don't draw some lines we're not going to have any season.

**Response:**

*The Department is legally obligated to responsibly manage the state's marine resources. Earlier this year, the Commissioner made it clear that the Department believes closures are necessary for the sustainable management of Maine's scallop fishery. The Department then held 6 meetings along the coast to solicit fishermen's input. We then used this input, along with input of scientists and enforcement officers, to design the proposed closures. We view this as making a difficult but responsible decision and devoting significant resources to ensuring the best possible outcome.*

*Concerning drawing lines in the water: These closures are designed to increase scallop populations throughout the state. They will be closed for three years, during which time we will work with fishermen throughout the state to ensure appropriate management is enacted prior to their reopening. Although some fishermen have suggested restricting the mobility of the scallop fleet, the Department has repeatedly noted that Maine's scallop fishery has a traditionally mobile component that must be acknowledged. When area management is discussed in the upcoming legislative session, the issue of fleet mobility will likely be addressed. It will not be impacted by this proposed regulation.*

**Data isn't good enough / Research first:**

- The scope of this management initiative is unprecedented. To properly "manage" these closed areas, a system of surveys, cost- analysis, enforcement, water quality testing, and re-opening should be solidly established long before any closing is allowed.
- Scallops don't reproduce until they are 4 years old yet a three year closure is proposed, which indicates this is not going to be a three year closure; instead it will be a long term closure. There is no plan to relocate any spat. There is no understanding of why thin shelled scallops that are found in deeper waters are not staying in the closed areas. There's no extra funding to support any studies or relocation efforts during the closures; for the extra enforcement.
- The last scallop survey data points for the western part of the state are 4 years old. The harvesting pressure has changed since the 2005 survey; they are not scientifically valid; statistically DMR's data is extremely weak and inconclusive.

- The area in Casco Bay will be closed and then compared to data that we don't even have yet. We haven't had a survey in western Maine or Casco Bay region for 3 years. To close an area then do a survey there in 3 years to see if anything else has come back means comparing 6 years of back data as to whether or not anything has come back. Unless we actually have some sort of survey before we close these areas there is no way to this data proves anything useful.
- The state does not have any science to back up what we're trying to do; I don't know if there is any proof that any of this is going to help the scallop fishery.
- Closures themselves are not going to "bring scallops back." The underlying circumstances impacting the life cycle and survival and mortality rates need to be understood so informed decisions can be made. An example of this is the Swan's Island Cable area, which was closed for many years, and now this area has no scallops and no one knows why.
- The sites have not been matched up against the oceanography to determine if they are suitable; the [tidal] flows, topography, physical, chemical changes, and predation. A comparison to the scallop resource in the federal government's mid-Atlantic scallop data that is a flow through system is flawed. Yet we're suggesting closing areas in harbors and inside based on this work.
- Data exists that shows that in the federally monitored areas, substantial scallop biomass exists to the point of over-abundance. As a diver I have seen no change in the amount of scallops available in the inshore waters. Scallops are migratory and cyclical. Many of the claims of those who feel that scalloping is not what it used to be, are basing their claim on an unusually large set of scallops which happened in the past and has not re-occurred.

**Response:**

*Fisheries management is inherently uncertain. We cannot be 100% certain of the outcome of management actions, just as we cannot be 100% certain of the outcome of fishing activity itself. Responsible fisheries management acknowledges this uncertainty and implements measures to account for it. Although the Department is willing to allow limited scallop fishing to continue to occur in Maine waters, we feel strongly that this State must enact measures to mitigate impacts on an already seriously depleted resource.*

*The Department has conducted an annual drag survey of the Maine coast since 2002. The survey covered the entire coast in 2002 and 2003, and has since broken the state into Cobscook, Eastern and Western sections. The survey shows patchy, uneven distribution of scallops throughout the state outside of Cobscook Bay. With only one exception, all survey areas have declined since 2002.*

*We cannot be certain these closures will lead to recovery, but they are certainly more likely to do so than their postponement or rejection. Evidence from around the world suggests conservation closures hold promise. Those proposed here are based on the best available data and advice from scientists, fishermen and enforcement officers. Waiting for a "perfect solution" will not result in an improved plan: merely a postponed one that will face the additional challenge of being enacted on an even more seriously depleted resource.*

*In terms of the 3-year closure versus scallops' 4-year recruitment to the fishery: the closures were designed to include areas in which scallops are already present; we should not need to wait four years to see evidence of their success. Scallops' reproductive success largely depends on biological parameters such as population density, gamete production, and fertilization success. In an overfished population, density decreases, spawning aggregations are disrupted, and larger individuals removed, which may cause spawning failure (e.g., Smith & Rago 2006, Gaudette et al. 2006). Dr. Dvora Hart, chief NMFS scallop scientist, has noted that scallops within the federal closed areas display an even greater tendency to aggregate than those in open areas, which further facilitates reproductive success. Closed areas may actually increase per capita larval production in addition to overall production. There is ample evidence that closures work, and the fact that these were designed to include a variety of year classes should increase this likelihood.*

*Concerning oceanography, currents and oceanographic features have been considered as much as possible in the design of these closures. In addition, the commenter is incorrect: not all the federal closure areas are in flow-through systems. For instance, it is believed that a gyre on Georges Bank facilitates larval retention. These closures were designed to include a variety of oceanographic conditions, which was the rationale behind the addition of offshore areas. Although fishermen recommended almost entirely (small) closures well inside bays, the Department felt it was important to include a variety of habitats and oceanographic conditions.*

*In terms of the costs associated with scallop management and the need to monitor the areas:*

- *The state conducts an annual drag survey that will be adjusted to increase sampling within the closed areas.*
- *Department personnel are currently working with University of Massachusetts School of Marine Science and Technology (SMAST) scientists to augment survey data within the closures by the addition of drop camera work. Federal funding is also being sought to use drop cameras outside closures to help evaluate their success.*
- *Although water quality is regularly tested along the entire Maine coast, the relevance of this point is not immediately apparent as PSP toxins do not accumulate in scallop adductor muscles.*
- *Enforcement was consulted at all stages of closure development.*
- *In sum, the work this commenter believes is necessary has already been conducted.*

*The Swans Island Cable area is an example of how scallop abundance can increase within a closed area. However the Swans Island Cable Closure is not analogous to these closures. That area was opened to diving in order to remove the incentive to drag along the cable and therefore disrupt power to the island. It has been discussed regularly throughout this process, and the Department and the SAC do not intend to repeat that experience.*

*Throughout the world, millions of dollars have been spent trying to understand the factors that influence scallop recruitment and cycles of abundance. It still is not entirely understood. To hold off on management changes until everything is understood would ensure that management would never change. It is paradoxical to suggest that closures will not work, then state an overabundance of scallops within offshore closures is a reason they shouldn't be enacted here. Ample evidence indicates closures facilitate scallop recovery. These closures were designed based on the best data available. They will be closed for three years and will be adequately surveyed. We will work with fishermen to devise appropriate management within them. Adequate research, planning, and consultation have already occurred.*

**Let existing rules work first:**

- *Proper management initiatives in place, such as the reduced season (150 days to 70 days), and the first-ever, harvester reporting requirements, should be given time to work, and the new data analyzed before taking measures as drastic and as expensive as closing the scallop grounds.*
- *Instead of these closures have a shorter season, drop the quota down for a couple of years to 100 lbs or add a meat count; have a season of 35 – 40 days.*
- *In the last 2 years DMR has passed 7 changes that have impacted the scallop industry. There hasn't been time for those regulations to have an impact. These closures will make it economically unviable for many fishermen with no plan to reopen.*
- *similar to the lobster industry you're going to close these areas for 3 years and then make it so that fishermen don't have landings because it is economically unviable for a lot of them to fish and then you're going to use landings in order to allow them to keep their licenses.*
- *Let the limited season and 4-inch rings just do their job instead of piling everybody into small areas to work and giving it too much pressure. In 2006-2008 these rules were added: Changed licenses to owner/operated; Increased harvestable Shell size; Limited entry established, no new individuals can enter the fishery; 200 lb daily quota for draggers; Draggers -Gear change to 4" rings; Split season was established (then 2<sup>nd</sup> season was closed, then reopened); 2008- Logbooks required; and many draggers gave up federal permits in 2008.*
- *You've got 4-inch rings; have a 5.5' maximum drag or other regulations but do not close areas off.*

**Response:**

*When limited entry was established in 2008, the Department candidly and repeatedly stated (to the SAC, legislature and industry) that it was just the first step on a long road to recovery. Several SAC meetings were devoted to discussing all options: those listed above were considered, but did not receive as much approval as conservation closures and a reduced season length.*

*We have indeed implemented several measures as part of an overall plan to improve resource health. Management measures work together, and often take years to show results. The Department feels it is better*

to implement measures as they are discussed and agreed upon rather than holding off on any management until the "perfect plan" is developed. As noted above, this will result in postponement, not improvement.

Often attempts to implement effort restrictions follow a familiar pattern: the Department proposes them and industry opposes them. Inherent uncertainty enables the final measures to be "softened" in order to gain approval. If uncertainty is repeatedly accepted when it favors fishing effort but rejected when it favors precaution, the result is predictable and all-too familiar: the resource continues its downward trend and even more restrictive measures are required down the line.

The Department recognizes that although the Maine scallop fishery is a shadow of its former self, it still provides valuable supplemental income for many Maine fishermen. We understand that fishermen's incomes will suffer in the short-term. But the goal is to create a sustainable, economically viable scallop fishery whose long-term benefits will far outweigh immediate sacrifices. We cannot achieve long-term gains without immediate sacrifices. These closures have been designed to strike a balance between the two, by leaving traditional grounds open along the coast.

### **Closures are too large:**

The size of the area[s] proposed are way too large; they've been expanded hugely compared to what we had in mind to start with. Fishermen should be able to pick the closures because the biologists are clueless.

#### **Response:**

The closures now proposed are smaller than those proposed last year, but larger than those suggested at the community meetings. Scientific staff (Maine and the National Marine Fisheries Service (NMFS)) suggested larger closures would be more successful. Uncertainty over the factors leading to recovery make it beneficial to include a variety of habitats within closures. Also, larger closures increase the likelihood that scallops will settle within their boundaries. If small areas within the closures prove very successful, the Department would consider enacting longer-term smaller closures; however for this initial phase, rationale for larger closures abound. Enforcement staff also indicated larger areas would stand a greater likelihood of being successfully enforced. These closures were designed to strike a balance between the benefits of large closures and the desire to preserve traditional fishing grounds in each area. To this latter point, we have made adjustments to three of the proposed closures as recommended by the SAC.

### **Enhancement:**

The plan originally was for enhancement to go into these closed areas. What's happened to this? DMR has said we're going to have spat enhancement, bring scallops in from offshore, etc. But we're still in limbo as to the scientific evidence as to whether or not we can bring scallops in from other area[s]; status?

DMR data shows that while enhancement can be successful, the costs to perform it, monitor it, test it, enforce it, etc., outweigh the value of the catch, so that in places that it continues, it is largely just another social program rather than a provable business venture; and the DMR does not have the funding to support such a program.

#### **Response:**

The Department stated that it was seeking funds for enhancement activities, and that it believed the closed areas would be excellent locations for enhancement. In the past year, Department staff submitted requests to four separate funding agencies. Although none of these requests were successful, we intend to continue to seek funding. We are interested in the idea of adult relocation of scallops. However we cannot move scallops from one population to another until issues such as invasive species, genetics, pathogens and biotoxins are addressed. These sorts of tests are very expensive, which is why we are continuing to seek funding to conduct them. Additionally, the Department has authorized funding for a small-scale pilot project in spat collection that will take place off Mt. Desert Island this fall. If adequate data collection is established and the project proves successful, this project could be expanded to other parts of the state. The Department has also supported a recent request for funding to evaluate stock-recruitment relationships inside and outside closed areas. If funded, data from this project will help evaluate the effectiveness of closed areas and either support or refute the need for adult relocation.

These closures were designed to include viable scallop populations. Although we believe enhancement holds promise and should be pursued, we do not believe the success of these closures is dependent upon it.

**Refund, bailout money, denying rights to fish:**

During the period that closures are in place, some sort of economic stimulus should be provided to the fishermen currently holding scallop licenses.

If they're going to implement "this closure" that they may as well take our licenses and give us our money back. This is not economically feasible and denying the right to fish will ruin the fishermen.

**Response:**

*There are no funds available for a government buyback or bailout program.*

*Modern fishing technology has advanced to the point where restrictions must be placed on effort if we want fisheries resources to persist. When limited entry was established last year, there were more than enough qualifiers to overharvest Maine's scallop resource. It is the Department's responsibility to implement measures to ensure this does not happen.*

*Because of scallops' decline and lack of recovery, significant economic benefits have already been lost. These long-term economic benefits will never be realized unless we are willing to make short-term sacrifices. These closures were designed to leave areas open throughout the state to strike an appropriate balance between short-term sacrifices and long-term gains. If rejected, fishermen may continue to scratch out a small supplemental income from Maine's scallop resource, but the possibility of substantial economic gains will most likely be lost.*

**Scallop Advisory Council:**

Reliance has been solely on the SAC input and not on the public input and the SAC is not representative of the fishermen in this state. They are a minority making decisions for the people and persons who aren't actively dragging making proposals. 25% of the SAC is divers from Hancock County; this is unfair. If a state scientist said the closures won't work because there isn't enough tidal flow would this stop or is the SAC doing whatever they want to do?

**Response:**

*The SAC was created by the legislature to advise the Department on matters of interest to the scallop industry. It is comprised of fishermen, a public member, scientists and buyers from throughout the state. As evidenced in this summary of comments, individual opinions, even among fishermen of similar gear types and from similar areas, often vary. As would be expected of a group representing a diverse constituency,, SAC members' opinions also differ on a regular basis. The fact that the SAC discusses and debates issues and then arrives at a compromise position helps to guide the Department when no clear industry consensus is present.*

*It is true that two of the eight industry representatives are from Hancock County. Washington and Hancock Counties comprise most of Maine's productive scallop bottom and much of Maine's scallop diving occurs within Hancock County. The Department has made every effort to ensure broad geographic representation on the SAC, and feels it has been successful.*

**Prohibit other fisheries during the same closures:**

The closures only close the resource to scallop fishermen. These areas will still remain open to the harvest of mussels and urchins. The harvest of other species will substantially impact and in some cases decimate any scallops that are in these areas.

We also do not support these closures because the areas are not closed to all harvesters which basically enables poaching by urchin draggers/divers and mussel dragger/divers.

**Response:**

*These closures were designed to facilitate the recovery of Maine's scallop population. During the community meetings, the Department noted that they would be closed to scallop fishing only, so areas with concentrations of urchins/mussels should be avoided (see basis statement for Whiting/Denny's Bay for an exception). The Department believes fishermen who target other species should be consulted when determining whether or not closures for those species are needed, and if so, where they should be located. However, we note that if poaching of scallops by harvesters of other species becomes a problem within these closures, the Department would be willing to consider closing them to the harvest of other species as well.*

**Forces fishermen into smaller areas:**

You can't keep going to the same areas and keep towing. Towing for something that is not there to begin with will really put a strain on the areas that are open.

We've seen it all before, in Mount Desert in the 80's and 90's; they drew lines because the lobstermen didn't want scallop fishermen towing in their lobster bottom, which drove all these boats into small areas; now there is nothing there.

There should not be any lines; I grew up on Swans Island and know what happened when they put closures in. It completely locks everyone in and it completely wipes out an area.

The closed areas are a good idea but they are way too large and in questionable locations. It seems that the initial effect is going to be the pushing of a lot more boats into smaller areas where there are still a limited number of scallop populations. This will be very devastating to these areas seeing how there is a limited resource to begin with.

**Response:**

*The low abundance and patchy distribution of Maine scallops has already concentrated fishing pressure within certain areas. There are already areas along the coast that are repeatedly towed in hopes of finding scallops. These closures are designed to help prevent this in future by increasing scallop abundance, both within and outside closures.*

*These closures were specifically designed to preserve traditional fishing areas in all areas of the coast. While fishing pressure may increase within these open areas, we believe the closures' benefits will outweigh their costs. We also believe management measures already in place, such as the reduced season, will help limit fishing pressure outside the closures.*

*As previously stated, the Department intends to work with fishermen to devise appropriate sustainable management within these closures.*

**Alternative or future management ideas**

**Penalty:** There should be a severe penalty for anybody fishing scallops during urchin season. Anybody caught should lose their license in any fishery for 3 years, \$5000 minimum fine. Make the penalty so severe that it will be a deterrent. A \$150 fine is not a deterrent. That's less than fuel.

**Response:**

*During the 123<sup>rd</sup> Legislative Session the fines were increased, although not to the amount suggested. The increased fines are listed in Part B in the following web link:*

[http://www.mainelegislature.org/legis/bills/bills\\_123rd/chapters/PUBLIC607.asp](http://www.mainelegislature.org/legis/bills/bills_123rd/chapters/PUBLIC607.asp)

**Recreational and commercial scallop divers should not be allowed on same boat** taking scallops, whose scallops are whose is an enforcement problem for enforcement.

If you're **diving for urchins you should not be picking scallops.** Taking scallops while diving for urchins is an incidental catch, which has taken its toll over the years. A lot of people don't want to admit it but it has.

Areas that are closed to scallops should be closed to urchin dragging and urchin diving if you get urchins and scallops in open area then go urchin dragging or diving in closed area who knows where the scallops came from? This is an enforcement problem for Marine Patrol.

**Response:**

*Both of these suggestions would require a change in law. For a discussion of the interplay between scallop and urchin fisheries, please see comments on the proposed Whiting Bay and Denny's Bay rule.*

**Diver vs Dragger:**

Most every restriction comes down on draggers; if they really want to save the resources put a ban on diving for scallops, ban on diving for sea urchins; they don't allow diving for lobsters... those scallops are the seeders that seeded these bays.

There is no diving for clams, lobsters, or anything else and they are still plentiful. We always had scallops before divers came in.

Conduct a scientific survey/experiment that compares population dynamics against the two harvesting methods: diving and dragging.

**Response:**

*The Department does not support differing seasons for divers and draggers for scallops. Divers and draggers choose their respective modes of scallop fishing based on their own preferences, abilities and needs. Both modes of scalloping offer respective costs and benefits, and the Department makes every effort to develop measures that are fair to both.*

*In addition, it should be noted that these regulations will impact divers and draggers equally.*

**Boats of 50 feet or more** should not be allowed to fish for scallops in state waters, it should be a small boat fishery. Big boats, big gear, weather is not a problem; it should be a fishery for lobster boats in the off season to take the pressure off lobster with something else to do. All of us have abused this with larger craft. Not all of us but some of us have.

**Response:**

*Although restrictions on scallop drag size are in place in certain areas, the Department has never enacted a restriction on vessel size for scallop vessels. Issues such as this may come up in future debate, but it is not directly relevant to this proposed regulation.*

**How will the closed areas be reopened?** The scallops will build up so thick that we're going to have to somebody is going to have a hard time figuring who is going to harvest them. That is my whole problem with closing the areas they are closing, because they are very important areas; the size of the areas that they are closing and the exact location of the areas they are closing because these are where we make our living.

**Response:**

*The Department believes these areas should not be re-opened prior to implementing a management plan to prevent their depletion. It is at the request of the SAC that we included a 3-year sunset, during which time we will work with industry to devise appropriate management. The Department does not intend to go through the time, effort and controversy necessary to enact these closures, only to have any resource gains be immediately erased by overharvesting. We will work with the SAC and local communities in the coming years to develop an appropriate plan or plans.*

**Scallop disease:** I'd like to know if they've done anything about the disease that's been going through the scallops in the Western Penobscot Bay region. What do we know about the blue, grey scallops?

**Response:**

*The University of Maine's Aquatic Animal Health Lab is currently investigating diseased scallop samples brought to them earlier this year.*

**Zone management:** This model has been proven effective by the zone management of the lobster fishery in the State of Maine. The scallop fishery should be managed similar to the lobster zone management system.

**Response:**

*Area management of the scallop fishery will be discussed in the upcoming legislative session. However the Department notes that differences between the scallop fishery and the lobster fishery, such as the traditional mobility of the scallop fishery, will need to be addressed. In addition, it should be noted that the lobster zone model consumes a great deal of both Department staff and industry time and resources. At present, the Department does not have the resources to replicate this model in other fisheries.*

**Chapter 11.10(1)(H) Closed Areas**

**(3) Muscongus/Western Penobscot Area:**

- I'm **opposed** to the closed area in the **Muscongus Bay, Western Penobscot Bay** area. At the SAC meeting held in Augusta on the 29 of May we **thought we had reached a compromise**, now that line has been substantially moved to the southward.
- As drawn the Muscongus area lines close off every single place I've fished the past 3 years. Some of this area is good fishing so we go back each year to fish; if an area is good fishing why close it off; what needs to be happening in an area for it to be open or closed?
- Instead, close areas that area easily enforced such as the mouth of the St. George River, the mouth of the Waldoboro River, or up inside at Crotch Island.
- Muscongus Bay wasn't even proposed as a closure and now they've dropped the line way down to the south.

- The eastern part of this closure was offered based on the DMR's recommendation where they'd done test tows but there were no test tows done in Muscongus Bay. They have enlarged the area to include portions where there are some scallops but they are not in any great abundance; this will not achieve their goal by dropping these lines down.
- It's been 12 years since the scallop die off here and the only scallops that weren't affected were inside the Mussel Ridges at that point and there is still a fishery there. The proposed closed area is where there is no activity and is not going to do one thing. Closing off areas where people fish is just going to drive people into other areas. The area the fishermen proposed has doubled in size; why ask the fishermen for input when you're going to do what you want to do anyway?
- The lines proposed D.M.R. are fine, but I do not know if they will do any good, maybe worth a try.
- Scallop Advisory Council Recommendation for the Western Penobscot Closure (sub section 3): Amend the Muscongus Bay portion of the closure to the 43 55' line to Mosquito Island, then keep the same language from there eastward.

**Response:**

*The proposed closure line was incorrectly drawn because the recommended closure drawn on the charts was unclear. This error has been fixed. The Department agrees with the SAC recommendation, as the adjusted boundary more adequately reflects the original recommendation of the SAC, is easily enforceable, and does not divide traditional grounds.*

*Co-management is not defined as bringing stakeholders together and allowing one group of them to dictate the outcome. The closure recommendations were developed based on the input of fishermen, scientists, managers and enforcement officers. Each of the areas was designed based on suggestions offered at the community meetings. They were extended for reasons given in previous responses. In addition, the Department accepted the recommendation of the SAC and made changes to three of the closures after the public hearing process.*

*The closures contain good fishing grounds because the fact that they contain suitable habitat and current scallop populations render their success more likely.*

**Smaller areas:** There's been a few guys making a living there. The huge area you've got to the westward, all those guys are either going west or east. There's a few scallops left in the Mussel Ridge Islands. They're going to get twice the pressure having all the areas to the westward closed off.

This forces everybody to go further to the east or southwest out of their own territory and into somebody else's. This line takes away a lot of leas and islands where you could get in behind in the hard weather and get a day's pay. I just don't like drawing lines because it drives people into somebody else's backyards.

**Response:**

*The Western Penobscot closure was adjusted based on advice of the SAC. It is likely that closing some areas will increase pressure on others. However, as noted in a previous response, we expect the benefits created by the closures will outweigh their costs. Currently, scallop fishing represents less than 1% of Maine's fisheries value. The economic benefits of bringing this fishery back to a level that could support a larger fishery and outweigh the costs of increased fishing pressure in open areas. The closures being proposed are significantly smaller than those proposed last year. We believe the reduced season and other management measures in place will help to prevent overharvesting of the open areas.*

*Future decisions concerning area management such as smaller longer-term closures will also involve guidance from local fishermen and community members.*

**(4) Eastern Penobscot Area:**

**(5) Blue Hill Harbor/Morgans Bay Area:**

**Opposed to closure(s); they are not as the fishermen proposed:**

- Opposed the closures in Gouldsboro Bay, Frenchmen's Bay, outside of Stonington, Upper Blue Hill Bay, these include every area I fish, so you might as well take our whole season away.
- The proposed closure that was put together by the Stonington group is not as they proposed and have added the upper bay; Blue Hill Harbor was suggested as a trade by Andy Mays for in exchange for Frenchmen's Bay.

- The last time we were up here we decided to close an area that was quite substantial from the [Eggemoggin] Reach to southeast out to Lazy Gut. Now it goes to the 3-mile line past the Spoons, everything up the east side; all the islands are going to be closed down from Stonington – Deer Isle through Sedgwick.
- Stonington – Deer Isle: the last meeting we had the state asked for the group of fishermen to get together and propose their closed area, Southeast Harbor and up in Eggemoggin Reach. Now it goes from there out to 3 mile line, which is totally taking in our complete area. We have no place to go. Why did this happen and why ask us to get together; these guys were willing to give up really precious fishing areas.
- In the areas of South East Harbor and The Eggemoggin Reach it is a great idea to close one area or the other but by closing both you have almost completely eliminated our fishing grounds. I understand that something needs to be done to help the industry but forcing all of the boats into smaller areas can't be the only solution.
- If you do anything with Blue Hill close the Harbor don't close the entire upper bay.
- Originally, Blue Hill Bay was not on the closure list; close the inner harbor only and add it to the East Penobscot Closure instead of a separate closure area.
- Scallop Advisory Council Recommendation for the Eastern Penobscot Closure (sub-section 4 - north):  
We recommend splitting this into two closures to open up an area in Jericho Bay/off Isle au Haut for fishing.  
For the northern closure, keep the Reach western boundary language, but for the eastern boundary, go from Naskeag Point to Stinson Neck, then from Stinson Neck to Coles Point.  
For the southern closure (sub-section 4 - south):  
From the Southernmost point of Little Spoon Island to Black Horse, due south to the 3 mile line. From the northernmost tip of Little Spoon Island to the Easternmost Point of Marshall Island. Then from the most western point of Marshall Island to the Northern Tip of Heron Island, then southeast to the RW "BC" Whistle Buoy, then due south to the 3-mile line.

**Response:**

*The Blue Hill Bay closure was not originally suggested by Andy Mays: it was suggested by a fisherman at the February SAC meeting, and by several fishermen at the community meetings in order to preserve an abundance of sublegal scallops. This abundance of sublegal scallops has been corroborated by the 2008 survey data, which was released recently and showed a relative abundance of seed in Blue Hill Harbor.*

*The Department agrees with the SAC recommendation for the following reasons:*

- *The closures recommended by the Stonington fishermen were combined and augmented in order to include productive offshore areas. The adjustment recommended by the SAC will accomplish this as well.*
- *The adjustment recommended by the SAC will allow fishermen in the area greater access to traditional fishing grounds, but will not substantially decrease the likelihood of the closures' success.*

**(8) Jonesport/Machias Area:**

**Chandler Bay:**

- In Chandler Bay I'd like to see a little bit more area open in there, see it go up to the cable area, for us to give us a chance to get out of the weather. That would give us a little foul weather fishing.
- The closures should be shortened up in Chandler Bay to the cable area.
- Scallop Advisory Council Recommendation for the Chandler Bay/Englishman's Bay component of the Jonesport/Machias closure (sub-section 8): Strike "North of a line starting at Loon Point, Jonesport and replace with "North of a line starting at the Chandler Bay Cable Area".

**Response:**

*The Department agrees with this recommendation for the following reasons:*

- *The change will allow for greater "bad weather" fishing opportunities.*
- *The boundary lines should still be fairly easily enforced.*
- *The likelihood of closure success will not be greatly impacted.*