#### **Notice of Agency Rule-making Proposal**

AGENCY: 13-188-Department of Marine Resources

CHAPTER NUMBER AND TITLE: Chapter 26 Sea Urchin 2022-2023 Season

TYPE OF RULE (check one): 

☐ Routine Technical ☐ Major Substantive

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

BRIEF SUMMARY: This regulation would establish open harvest days and tote limits for the taking of sea urchins by divers, rakers, trappers, and draggers in Zones 1 and 2 for the 2022-2023 season. For Zone 1, seasons are proposed for divers, trappers, rakers and draggers in 2022-2023, from which harvesters may only fish up to 15 days of their choosing, the same number of days allowed during the 2021-2022 season. For Zone 1, the daily tote limit is nine (9), the same as in the 2021-2022 season. For Zone 2, 40-day seasons are proposed for divers, trappers, rakers and draggers in 2022-2023, from which harvesters may only fish up to 30 days of their choosing. This proposal has the same number of fishing days and opportunity days as the 2021-2022 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 2022-2023. For Zone 2, the daily tote limit is six (6), the same as in the 2021-2022 season.

The Blue Hill Bay Limited Access Area designation sunset on April 1, 2022 and that language has been removed from the regulation.

Date, time and location of PUBLIC HEARING (*if any*): June 13, 2022, 6:00 p.m., DMR HQ, room 118 Marquardt Building (32 Blossom Lane, Augusta ME), with an option to participate remotely via Microsoft Teams. For information on how to join the hearing, please visit: <a href="www.maine.gov/dmr">www.maine.gov/dmr</a>. Instructions will be posted on DMR's homepage under meetings and events.

COMMENT DEADLINE: June 24, 2022

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

NAME: Amanda Ellis

MAILING ADDRESS: 21 State House Station, Augusta, Maine 04333-0021

E-MAIL: dmr.rulemaking@maine.gov

TELEPHONE: 207-624-6573

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

Hearing facilities: If you require accommodations due to disability, please contact Meredith Mendelson at 207-

624-6553.

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 MRS §6749

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

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

 $\Box$  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.

<sup>\*</sup> Check one of the following two boxes.

Please approve bottom p	ortion of this form and assign appro	opriate AdvantageME number.
APPROVED FOR PAYMENT		DATE:
	(authorized signature)	

FUND	AGENCY	ORG	APP	OBJ	PROGRAM	FUNDING Profile JVC	FUND Pri JVC	FUND Line JVC
010	13A	1120	10	4946				

#### 26.07 Sea Urchin Harvesting Season <u>2022-2023</u> <del>2021-2022</del> pursuant to 12 M.R.S. §6749.

Harvesters may choose 15 of the available days in Zone 1 and 30 of the potential 40 available days in Zone 2.

- 1. Zone 1 [as defined by 12 M.R.S. §6749-N(1)]. Harvesters may choose 15 of the available fishing 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 Mondays, Tuesdays, Wednesdays, Thursdays and Fridays in September and October, <u>2022</u> <del>2021</del>. 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 Mondays, Tuesdays, Wednesdays, Thursdays and Fridays in December, 2022 2021; and January and February 2023 2022. Divers, trappers, and rakers may fish no more than 15 of these days.

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

The Zone 1 season for draggers is open Mondays, Tuesdays, Wednesdays, Thursdays and Fridays in December, 2022 2020; and January and February 2023 2021; except Friday, December 25, 2020 and Friday, January 1, 2021 which shall be closed. Draggers may fish no more than 15 of these days.

- 2. Zone 2 [as defined by 12 M.R.S. §6749-N(2)]. Harvesters may choose 30 of the potential 40 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 27 and 28, 2022; Tuesdays, Wednesdays and Thursdays in October, 2022; November 1, 2, 3, 8, 9, 10, 15, 16, 17, 21, 22, 23 and 30, 2022; and, December 1, 6, 7, 8, 12, 13, 14, 15, 19, 20, 21, 27 and 28, 2022. 21, 22, 23, 28, and 29, 2021; and, October 5, 6, 7, 12, 13, 14, 19, 20, 21, 26, 27, and 28, 2021; and, November 2, 3, 4, 9, 10, 11, 16, 17, 18, 22, 23, and 24, 2021; and, December 1, 2, 7, 8, 14, 15, 16, 21, 22, 28, and 29, 2021 Divers, trappers, and rakers may fish no more than 30 of these days.

#### B. Late season for divers, trappers and rakers

The Zone 2 season for divers, trappers and rakers who have certified the late season on forms provided by the Commissioner, is open <u>Tuesdays</u>, <u>Wednesdays</u> and <u>Thursdays</u> in <u>December 2022</u>, except for <u>December 1</u>, 2022 which shall be closed; <u>Tuesdays</u>, <u>Wednesdays</u> and <u>Thursdays</u> in <u>January 2023</u> and <u>February 2023</u>, except February 21, 22 and 23, 2023 which shall be closed; and <u>March 1</u>, 2, 7, 8, 14 and 15, 2023. <u>December 7</u>, 8, 9, 14, 15, 16, 21, 22, 23, 28, 29, and 30, 2021; and <u>January 4</u>, 5, 6, 11, 12, 13, 18, 19, 20, 25, and 26, 2022; and <u>February 1</u>, 2, 3, 8, 9, 10, 15, 16, 22, 23 and 24, 2022; and <u>March 1</u>, 2, 8, 9, 15 and 16, 2022. Divers, trappers, and rakers may fish no more than 30 of these days.

#### C. Early season for draggers

The Zone 2 season for draggers who have certified the early season on forms provided by the Commissioner, is open Tuesdays, Wednesdays, and Thursdays in October 2022 2021; and November 2, 3, 8, 9, 10, 16, 17, 22, 23, 29, 30, 2022; Thursdays and Fridays in December 2022 and also Wednesday, December 21, 2022; and January 5, 6, 12, 13, 19, and 20, 2023. 3, 4, 9, 10, 11, 17, 18, 22, 23, 24, and 30, 2021; and December 2, 7, 8, 9, 15, 16, 21, 22, 23, 29, and 30, 2021; and January 5, 6, 12, 13, 19, and 20, 2022. Draggers may fish no more than 30 of these days.

#### D. Late season for draggers

The Zone 2 season for draggers who have certified the late season on forms provided by the Commissioner, is open November 30, 2022; Wednesdays, and Thursdays and Fridays in December 2022 2021; Wednesdays, and Thursdays and Fridays in January and February 2023; and, January 24, 2023. , 2022 and on Tuesday January 25, 2022; and Wednesdays and Thursdays in February 2022 and on Tuesday February 15 and Tuesday February 22, 2022; and on Tuesdays, Wednesdays and Thursdays in March 2022 except for March 24, 29, 30 and 31, 2022. Draggers may fish no more than 30 of these days.

#### 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 30 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 September 27 and 28, 2022 28 and 29, 2021; Wednesdays in October and November 2022; October 18 and 25, 2022; and December 7 and 14, 2022. December 2022; and October 6, 13, 19, 20, 26, and 27, 2021; and Wednesdays in November 2021; and Wednesdays in December 2021 except for December 22 and 29, 2021.

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 <u>Tuesdays Wednesdays</u> in December 2022 2021, except for December 1, 2021; and <u>Tuesdays Wednesdays</u> in January and February 2023 2022, except Tuesday, February 21, 2023, which shall be closed; and <u>Wednesday</u>, February 15, 2023 and March 7, and 14, 2023. 2, 9, and 16, 2022.

C. Early 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 Thursdays in October, November and December 2022 2021, except November 24, 2022 25, which shall be closed; and January 5, 12, and 19, 2023. 6, 13 and 20, 2022.

- D. Late season for draggers
  - (1) 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 Thursdays in December, 2022 2021 except for December 2, 2021; and Thursdays in January, and

February <u>2023</u> <del>2022</del>; and <u>January 4, 2023 and February 1, 2023</u>. <del>March</del> <del>3, and 10, and 17, 2022</del>.

(2) Blue Hill Bay Area (Zone 2). Harvesters may fish 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 aboard their fishing boat, 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.

# 2022 - 2023 Sea Urchin Season for Maine Zone 1

A Zone 1 harvester may choose to fish 15 of the open days

O = open = closed

# Early Season for Divers, Rakers, and Trappers

	September 2022										
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## Late Season for Divers, Rakers, and Trappers

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#### **Zone 1 Season for Draggers**

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	January 2023										
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# 2022 - 2023 Sea Urchin Season for Maine Zone 2

A Zone 2 harvester may choose to fish 30 of the 40 open days

O = open = closed

#### Early Season for Divers, Rakers, and Trappers

September 2022									
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#### Late Season for Divers, Rakers, and Trappers

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#### **Early Season for Draggers**

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November 2022									
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	December 2022									
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#### **Late Season for Draggers**

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	February 2023									
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26	27	28								

# 2022 - 2023 Sea Urchin Season for Maine Zone 2 For Whiting & Dennys Bays Limited Access Area

O = open = closed

#### Early Season for Divers, Rakers, and Trappers

September 2022								
S	M	Tu	W	Th	F	S		
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	October 2022									
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		Nove	mber	2022		
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		Dece	mber	2022		
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#### Late Season for Divers, Rakers, and Trappers

		Dece	mber	2022		
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January 2023									
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г					2022					
	February 2023									
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	March 2023									
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19	20	21	22	23	24	25				
26	27	28	29	30	31					

#### **Early Season for Draggers**

October 2022									
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#### **Late Season for Draggers**

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# 2021-2022 Sea Urchin Season for Maine Zone 1

A Zone 1 harvester may choose to fish 15 of the open days

O = open = closed

Early Season for Divers, Rakers, and Trappers

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#### Late Season for Divers, Rakers and Trappers

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#### **Zone 1 Dragging Season**

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13	14	15	16	17	18	19				
	0	0	0	0	0					
20	21	22	23	24	25	26				
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# 2021-2022 Sea Urchin Season for Maine Zone 2

A Zone 2 harvester may choose to fish 30 of the 40 open days

O = open = closed

#### Early Season for Divers, Rakers and Trappers

	September 2021									
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Nakers and Trappers										
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#### Late Season for Divers, Rakers and Trappers

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# **Early Season for Draggers**

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#### **Late Season for Draggers**

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# -2021-2022 Sea Urchin Season for Maine Zone 2 -For Whiting & Dennys Bays Limited Access Area

O = open = closed

#### **Early Season for Divers, Rakers and Trappers**

	September 2021									
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24	25	26 <b>o</b>	27 <b>o</b>	28	29	30			
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#### **Early Season for Draggers**

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## **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 Sea Urchin 2022-2023 Season

STATUTORY AUTHORITY: 12 MRS §6749

DATE AND PLACE OF PUBLIC HEARING(S): June 13, 2022 @ 6:00 pm, in-person at DMR HQ, Room 118 Marquardt Building, and remotely via Microsoft Teams.

COMMENT DEADLINE: June 24, 2022

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

This regulation would establish open harvest days and tote limits for the taking of sea urchins by divers, rakers, trappers, and draggers in Zones 1 and 2 for the 2022-2023 season. For Zone 1, seasons are proposed for divers, trappers, rakers and draggers in 2022-2023, from which harvesters may only fish up to 15 days of their choosing, the same number of days allowed during the 2021-2022 season. For Zone 1, the daily tote limit is nine (9), the same as in the 2021-2022 season. For Zone 2, 40-day seasons are proposed for divers, trappers, rakers and draggers in 2022-2023, from which harvesters may only fish up to 30 days of their choosing. This proposal has the same number of fishing days and opportunity days as the 2021-2022 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 2022-2023. For Zone 2, the daily tote limit is six (6), the same as in the 2021-2022 season.

The Blue Hill Bay Limited Access Area designation sunset on April 1, 2022 and that language has been removed from the regulation.

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.

BRIEF SUMMARY OF RELEVANT INFORMATION CONSIDERED DURING DEVELOPMENT OF THE RULE (including up to 3 primary sources relied upon) [see §\$8057-A(1)(E) & 8063-B]: The Department considered feedback provided by the Sea Urchin Zone Council, Department staff and Maine Marine Patrol.

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.