

# Notice of Agency Rule-making Proposal

MAPA-3 revised 2-2016

AGENCY: Department of Marine Resources

CHAPTER NUMBER AND TITLE: 25.94 Lobster Management Zones Proposed Rule-making.

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

## BRIEF SUMMARY:

This proposed rule makes clerical corrections to the Lobster Zone line boundaries, amends confusing language for greater clarity, and adds positions where Lobster Zone lines intersect with the Lobster Management Area 3 line.

Date, time and location of PUBLIC HEARING *(if any)*: None Scheduled

COMMENT DEADLINE: November 18, 2016

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

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

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

STATUTORY AUTHORITY FOR THIS RULE: 12 M.R.S. §6446

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

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

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DEPARTMENT OF MARINE RESOURCES

25.94 Lobster Management Zones Proposed Rule-making.

Rule language

25.94 Lobster Management Zones

2. The boundaries of the lobster management zones are as follows:

a. Zone A

Eastern Line - International Boundary Line Canada and U.S. (Maine) extending to and following the Exclusive Economic Zone boundary to the point where it intersects with the Eastern boundary of lobster Zone B.

Western Line - The Southern tip of Schoodic Point at 44° 19.900' N and 068° 03.609' W and running due South 180° Magnetic to 43° 45.427' N and 067° 50.122' W, and then continuing South 180° magnetic to the Exclusive Economic Zone boundary.

b. Zone B

Eastern Line - The Southern tip of Schoodic Point at 44° 19.900' N and 068° 03.609' W and running due South 180° Magnetic to 43° 45.427' N and 067° 50.122' W, and then continuing South 180° magnetic to the Exclusive Economic Zone boundary.

Western Line - Starting at the southernmost end of Newbury Neck following a straight line to a point ¼ mile due east of Pond Island at ~~the intersection of Latitude 44° 13.7' N, Longitude 068° 27.8' W~~; then to the easternmost point of Black Island; then to the navigation buoy R "8" at the western entrance of York Narrows; then south to Swans Island Head; then continuing along the southwestern shore of Swans Island to West Point; then following the western boundary of the Swans Island Lobster Conservation Area (Chapter 25.90(A)(1)) southerly to ~~the a point at where Loran lines 9960-W-12524.5 and 9960-X-25765.5 (Latitude 44° 01.9' N, Longitude 068° 28.6' W) intersect the 3-mile limit (where Loran lines 9960-W-12524.5 and 9960-X-25765.5 intersect the 3-mile limit)~~, as identified on National Oceanographic and Atmospheric Administration nautical charts; then South 180° magnetic south to 43° 32.664' N, 068° 17.284' W, then continuing South 180° magnetic to the EEZ boundary.

c. Zone C

Eastern Line – Starting at the southernmost end of Newbury Neck following a straight line to a point ¼ mile due east of Pond Island at ~~the intersection of Latitude 44° 13.7' N, Longitude 068° 27.8' W~~; then to the easternmost point of Black Island; then to the navigation buoy R "8" at the western entrance of York Narrows; then south to Swans Island Head; then continuing along the southwestern shore of Swans Island to West Point; then following the western boundary of the Swans Island Lobster Conservation Area (Chapter 25.90(A)(1)) southerly to ~~the a point at where Loran lines 9960-W-12524.5 and 9960-X-25765.5 (Latitude 44° 01.9' N, Longitude 068° 28.6' W) intersect the 3-mile limit (where Loran lines 9960-W-12524.5 and 9960-X-25765.5 intersect the 3-mile limit)~~, as identified on National Oceanographic and Atmospheric Administration nautical charts; then South 180° magnetic south to 43° 32.664' N, 068° 17.284' W, then continuing South 180° magnetic to the EEZ boundary.

Western Line - ~~Tip~~Head of the Cape, Cape Rosier at 44° 18.722' N Latitude, 068° 49.608' W Longitude (LORAN lines intersection 12512-25904),  
thence SSW to 44° 10.492' N, 068° 55.574' W (12605-25885),  
SW to 44° 06.136' N, 069° 00.000' W (LORAN 12662-25878),  
S to 44° 04.506' N, 069° 00.014' W (LORAN 12673-25871),  
SSE to 44° 00.788' N, 068° 59.475' W (LORAN 12696-25852),  
SSE to 43° 58.011' N, 068° 58.023' W (LORAN 12707.5-25833),  
WSW to 43° 57.821' N, 068° 58.689' W (LORAN 12713-25834),  
SSW to 43° 56.863' N, 068° 58.845' W (LORAN 12720-25830),

SE to 43° 55.285' N, 068° 55.000' W (LORAN 12710-25810),  
WSW to 43° 54.265' N, 068° 58.330' W (LORAN 12736-25816),  
S to 43° 50.997' N, 068° 58.313' W (LORAN 12757-25799),  
W to 43° 51.001' N, 069° 00.107' W (LORAN 12767-25805),  
SSE to 43° 46.565' N, 068° 59.298' W (LORAN 12794-25780),  
SW to 43° 44.878' N, 069° 01.974' W (LORAN 12820-25780),  
SE to 43° 35.084' N, 068° 50.076' W (LORAN 12820-25690),  
S 180° Magnetic to 43° 19.633' N, 068° 44.245' W,  
thence South 180° Magnetic to the Exclusive Economic Zone.

d. Zone D

Eastern Line - ~~Tip~~Head of the Cape, Cape Rosier at 44° 18.722' N ~~Latitude~~, 068° 49.608' W ~~Longitude~~ (LORAN lines intersection 12512-25904),  
thence SSW to 44° 10.492' N, 068° 55.574' W (12605-25885),  
SW to 44° 06.136' N, 069° 00.000' W (LORAN 12662-25878),  
S to 44° 04.506' N, 069° 00.014' W (LORAN 12673-25871),  
SSE to 44° 00.788' N, 068° 59.475' W (LORAN 12696-25852),  
SSE to 43° 58.011' N, 068° 58.023' W (LORAN 12707.5-25833),  
ENE to 43° 58.194' N, 068° 57.381' W (LORAN 12703-25832),  
SSE to 43° 57.309' N, 068° 57.226' W (LORAN 12707-25827),  
SE to 43° 55.688' N, 068° 53.662' W (LORAN 12700-25807),  
WSW to 43° 55.285' N, 068° 55.000' W (LORAN 12710-25810),  
WSW to 43° 54.265' N, 068° 58.330' W (LORAN 12736-25816),  
S to 43° 50.997' N, 068° 58.313' W (LORAN 12757-25799),  
W to 43° 51.001' N, 069° 00.107' W (LORAN 12767-25805),  
SSE to 43° 46.565' N, 068° 59.298' W (LORAN 12794-25780),  
NE to 43° 47.452' N, 068° 57.853' W (LORAN 12780-25780),  
SE to 43° 44.669' N, 068° 54.350' W (LORAN 12780-25755),  
S 180° Magnetic to 43° 35.084' N, 068° 50.076' W (LORAN 12820-25690),  
S 180° Magnetic to 43° 19.633' N, 068° 44.245' W,  
thence South 180° Magnetic to the Exclusive Economic Zone.

Western Line - Starting at the southern tip of Pemaquid Point, thence following a straight line 177° 480° Magnetic to a point at 43° 48.1' N ~~Latitude~~, 069° 30' W ~~Longitude~~, thence 180° True South to the point at 43° 39.0' N, 069° 30.0' W (where Loran line 13020 intersects 69°30.0' W ~~Longitude~~), ~~where Loran line 13020 intersects 69°30' W Longitude (43° 39' N Latitude, 69° 30' W Longitude)~~, then South 180° Magnetic to 43° 02.567' N, 069° 16.429' W, thence South 180° Magnetic South to the Exclusive Economic Zone.

e. Zone E

Eastern Line - Starting at Pemaquid Lighthouse, thence following a straight line 192° Magnetic to a point at 43° 48.1' N ~~Latitude~~, 069° 30.0' W ~~Longitude~~, thence 180° True South to the point where Loran line 13020 intersects 69° 30' W Longitude (43° 39' N Latitude, 69° 30' W Longitude), then South 180° Magnetic to 43° 02.567' N, 069° 16.429' W, thence South 180° Magnetic South to the Exclusive Economic Zone.

Western Line - Beginning at Newbury Point in Small Point Harbor, Phippsburg, then proceeding SSW to N"2", then proceeding SSE to "2BH", then proceeding due south magnetic to the intersection of the 3-mile limit as identified on National Oceanic and Atmospheric Administration, National Ocean Survey nautical chart #13288 (43° 38.73' N ~~Lat.~~, 69° 49.95' W ~~Lon.~~), then following the 3-mile limit to the coordinates 43° 38.87' N ~~Lat.~~, 69° 48.82' W ~~Lon.~~, then South 180° Magnetic to 42° 53.505' N, 069° 32.180' W, then proceeding due south 180° magnetic to the Exclusive Economic Zone.

f. Zone F

Eastern Line - Beginning at Newbury Point in Small Point Harbor, Phippsburg, then proceeding SSW to N"2", then proceeding SSE to "2BH", then proceeding due south magnetic to the intersection of the 3-mile limit as identified on National Oceanic and Atmospheric Administration,

National Ocean Survey nautical chart #13288 (~~43° 38.73' N Lat., 69° 49.95' W Lon.~~), then following the 3-mile limit to the coordinates 43° 38.87' N Lat., 69° 48.82' W Lon., then South 180° Magnetic to 42° 53.505' N, 069° 32.180' W, then proceeding due south 180° magnetic to the Exclusive Economic Zone.

Western Line - A straight line from ~~the active lighthouse at Two Lights Active Lt. 2 Lt's.~~ Cape Elizabeth to 43° 31.80' N, 070° 08.56' W near the C "1" East Hue & Cry buoy (43°31.9N)(70°08.8W); then proceed WSW following the 3-mile limit as identified on National Oceanic and Atmospheric Administration nautical charts, to 43° 29.275' N, 070° 11.770' W (Loran line 13340), then South 180° Magnetic to 42° 13.910' N, 069° 44.626' W, thence due South 180° Magnetic to the Exclusive Economic Zone.

g. Zone G

Eastern Line - Beginning at 43° 41.550' N, 070° 14.650' W, (a point on Presumpscott River Bridge that intersects with Loran line 13280), thence proceed SSE 159° Magnetic to 43° 32.875' N, 070° 05.920' W (a position where on Loran line 13280 intersects with the 3-mile limit as identified on National Oceanic and Atmospheric Administration nautical charts), then South 180° Magnetic to 42° 22.424' N, 069° 40.0' W, thence due South 180° Magnetic to the Exclusive Economic Zone.

Western Line - Seaward extension of the Maine - NH border to 43°02'42"N 70°42'06"W to 42°58'55"N 70°37'39"W to 42°58'45"N 70°36'43"W.

# Rule-Making Fact Sheet

(5 M.R.S., §8057-A)

AGENCY: Department of Marine Resources

NAME, ADDRESS, PHONE NUMBER OF AGENCY CONTACT PERSON:

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CHAPTER NUMBER AND RULE: Chapter 25.94

STATUTORY AUTHORITY: **12 M.R.S. §6446**

DATE AND PLACE OF PUBLIC HEARING: None Scheduled

COMMENT DEADLINE: **November 19, 2016**

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

This rule is proposed to achieve greater clarity regarding the Lobster Zone line boundaries.

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

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

This proposed rule does not substantively change the Lobster Zone line boundaries, but makes clerical corrections, amends confusing language for greater clarity, and adds positions where Lobster Zone lines intersect with the Lobster Management Area 3 line.

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]:

Maine Marine Patrol provided the corrections and coordinates to achieve greater clarity in this regulation.

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

Enforcement of these proposed amendments would 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.*