

# NOTICE OF AGENCY RULE-MAKING ADOPTION

**AGENCY:** Department of Marine Resources

**CHAPTER NUMBER AND TITLE:** Chapter 11; Chapter 11 Atlantic Sea Scallop Regulations and 2016-2017 Harvesting Season

**ADOPTED RULE NUMBER:**  
(LEAVE BLANK - ASSIGNED BY SECRETARY OF STATE)

**CONCISE SUMMARY:**

This rule establishes the 2016-2017 scallop fishing season. As in the 2015-2016 season, there is a daily possession limit of 15 gallons for Zone 1 and Zone 2, and a daily possession limit of 10 gallons for Zone 3. For Zone 1, a 60-day season is set for druggers to start on December 5, 2016 and the last day of the season is April 11, 2017. For Zone 1, a 60-day season is set for divers to start on December 1, 2016 and the last day of the season is April 15, 2017. For Zone 2, a 70-day season is set for druggers to start on December 5, 2016 and the last day of the season is March 28, 2017. For Zone 2, a 70-day season is set for divers to start on December 1, 2016 and the last day of the season is April 14, 2017. For Zone 3, a 50-day season is set for druggers to start on December 5, 2016, and the last day of the season is March 29, 2017. For Zone 3, a 50-day season is set for divers to start on December 1, 2016 and the last day of the season is March 24, 2017.

In addition, DMR is either maintaining or implementing the following targeted closures based on depletion, high concentrations of seed/sublegal scallops and/or the presence of spat-producing scallops which include Muscle Ridge (limited), Lower Muscle Ridge, Eastern Casco Bay, Ocean Point, Sheepscot River, Muscongus Bay, New Meadows River, Card Cove and East Moosabec Reach.

Finally, DMR is implementing a Limited Access Area in the MDI region of Zone 2.

Based upon comments received during the proposed rulemaking process, the Department has changed the following items in the adoption documents:

- The proposed East Moosabec Reach Targeted Closure size is reduced by moving the eastern boundary west and renaming the closure as Beal-Jonesport Bridge Targeted Closure and establishing a Limited Access Area in the remaining portion of the original closure, which shall be named the East Moosabec Reach Limited Access Area.
- A minor change to the boundaries of the Lower Jericho Bay, Lower Blue Hill Bay/Jericho Bay and East Isle Au Haut Rotational Areas, which were originally made in the 2015-16 season rulemaking, but reversed in error during the restructuring of the regulation in the spring of 2016.
- A minor change to the Lower Penobscot Bay & Outer Island Rotational Area eastern boundary as it included an error referencing North Haven which was corrected to Vinalhaven.
- A minor change to the eastern boundary of the Chandler Bay/Head Harbor Island rotational area and the western boundary of the Little Kennebec/Englishman Bay rotational management to include an intercept on East Black Rock to assist in the enforcement of the boundary by Marine Patrol.
- Zone 1 Dive Calendar: Two days were moved from the middle of January to the first week of that month to provide for five consecutive days of fishing before the split in the season. Two days in the middle of January were also moved to the end of March when weather is better. Finally, three Thursday Limited Access Area days in the month of January were moved from January 7, March 18 & 25, 2017 to enable an early split season to facilitate diving in better conditions as well as to enable tenders and helpers to find alternative work.
- Zone 2 Dive Calendar: Five days were moved from April to January (2) and February (3) to allow for three day fishing weeks in lieu of two day fishing weeks during those months to provide divers with better access to the resource before closures are implemented mid-season.

**EFFECTIVE DATE:**  
(TO BE FILLED IN BY SECRETARY OF STATE)

**AGENCY CONTACT PERSON:** Deirdre Gilbert  
**AGENCY NAME:** Department of Marine Resources  
**ADDRESS:** 21 State House Station  
Augusta, Maine 04333-0021  
**WEB SITE:** <http://www.maine.gov/dmr/rulemaking/>  
**E-MAIL:** Deirdre.Gilbert@maine.gov  
**TELEPHONE:** (207) 624-6576  
**FAX:** (207) 624-6024  
**TTY:** (207) 633-9500 (Deaf/Hard of Hearing)

DEPARTMENT OF MARINE RESOURCES

Chapter 11 Scallops

11.08 Targeted Scallop Conservation Closures

Targeted closures are imposed as conservation measures to assist in rebuilding specific areas of the state. Targeted closures may be implemented based on depletion, seed, the presence of spat-producing scallops, and other conservation factors as determined by the Commissioner. Targeted closures are not seasonal closures and are implemented in order to improve and enhance the conservation and rebuilding of the resource in these specific areas.

It shall be unlawful to fish for, take, or possess scallops taken by any method within any of the following closed areas, except for Muscle Ridge (1) which shall be open to diving on ~~Thursdays~~ Wednesdays and Fridays and shall be open to dragging on Mondays and Tuesdays and ~~Wednesdays~~, in dates specified in section 11.09 ~~and for Casco Bay (27) which shall remain open to hand harvest (scuba divers)~~. All directions are relative to True North (not magnetic).

Transiting exception:

Any vessel possessing scallops onboard, may transit these targeted closures 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 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) Muscle Ridge (Open Mondays and Tuesdays to draggers. Open ~~Thursdays~~ Wednesdays and Fridays to divers.)  
Eastern boundary: West and South of a line drawn from the most eastern tip of Ash Point, South Thomaston at Latitude 44° 02.805 N Longitude 069° 04.393 W to RW "PA" Mo (A) GONG; then continuing southwest to the northern tip of Two Bush Island.

Western boundary: North of a line starting at the northern end of the Rackliff Island causeway then following the shore to the most southern point of Rackliff Island continuing to the most southern point of Norton Island and then continuing to the most southern point of Whitehead Island then to the southern end of Two Bush Island.

- (2) Lower Muscle Ridge  
Northern boundary: East and South of a line beginning at the most eastern tip of Whitehead Island, St. George, to the southern tip of Seal Island (Hay Ledges) continuing to the most southwestern point of Graffam Island, then continuing to the southwestern point of Pleasant Island and continuing in a southeasterly direction to the northeastern tip of Two Bush Island.

Southern boundary: North of a line starting at the most southern point of Whitehead Island, St. George, to the southern end of Two Bush Island.

- ~~(3) Damariscotta River  
North of a line drawn from Emerson Point at the southern most tip of Ocean Point in the town of Boothbay, easterly to Thrumcap Island, then northerly to the southern tip of Rutherford Island, South Bristol.~~

- (4.3) Ocean Point  
West of a line drawn from Emerson Point, at the southernmost tip of Ocean Point, Boothbay at Latitude 43° 48.852 N Longitude 069° 35.454 W, to the most northern tip of Fisherman Island, then continuing to R N "8" AND East of a line draw from R N "8" to the most southwestern tip of Ocean Point at Latitude 43° 48.874 N Longitude 069° 36.332 W.

- ~~(5.4)~~ Eastern Casco Bay

Eastern boundary: West and North of a line drawn from the most southern tip of Gun Point, Harpswell, to G "3", South of Round Rock; continuing in a southwesterly direction to R N "4" at Drunkers Ledges.

Western boundary: East and North of a line drawn from R N "4" at Drunkers Ledges to the most southern tip of Jaquish Island; then east of a line from the most northwestern tip of Jaquish Island at Latitude 43° 42.950N Longitude 70° 00.137W to the most southeastern tip of land along Jaquish Gut at Latitude 43° 43.043N Longitude 70° 00.128W.

~~(6) — South Portland Harbor~~

~~Northern boundary: South of a line drawn from the northern tip of the breakwater on Spring Point, South Portland to the southwestern tip of Fort Scammer Island.~~

~~Eastern boundary: West of a line drawn from the southwestern tip of House Island, Portland to the westernmost tip of Cushing Island, Portland, then following the shoreline in a southerly direction to the southwestern most tip of Cushing Island.~~

~~Southern boundary: North of a line drawn from the southwestern most tip of Cushing Island to the northeastern most tip of land on the north shore of Ship Cove, Cape Elizabeth.~~

~~(7) — Lower Broad Sound~~

~~Northern boundary: South of a line drawn from the northern tip of the Bates Island, Cumberland to the northern tip of Eagle Island, Harpswell.~~

~~Eastern boundary: West of a line drawn from the southern tip of Eagle Island, Harpswell to West Brown-Cow Island, Cumberland.~~

~~Southern boundary: North of a line drawn from the western tip of West Brown-Cow Island, Cumberland to the eastern most tip of Cliff Island, Cumberland.~~

~~Western boundary: East of a line drawn from the eastern most tip of Cliff Island, Cumberland to the southernmost tip of Bates Island, Cumberland~~

(8.5) Sheepscot River

Eastern boundary: West and North of the Townsend Gut Bridge connecting Southport Island and West Boothbay Harbor.

Western boundary: East of a line drawn from the most southern tip of Hockomock Point, Woolwich to the most northern tip of Mill Point, Arrowsic Island, and following the shoreline to the Arrowsic Island-Georgetown Island bridge, and then continuing along the northern coastline to the northeast tip of Dry Point, Georgetown Island.

Southern boundary: North of a line drawn from the southernmost tip of Cape Newagen, Southport Island, to the eastern tip of Outer Head Island, Georgetown Island, then following the southern shoreline to the most southwestern tip of Outer Head Island, then a line drawn due west to the nearest point of land on Griffith Head, Georgetown Island.

(9.6) Muscongus Bay

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 eastern side of Hupper Island, Port Clyde, then to the southern tip of Marshall Point.

(7) New Meadows River

Southeast boundary: North of a line drawn from the southernmost tip of Birch Point, Phippsburg, to the southernmost tip of Long Island, Harpswell, then continuing along the western coastline to the northern tip of Long Island, Harpswell, then a line drawn due west to the nearest point of land on Sebascodegan Island, Harpswell.

Southwestern boundary: North of the Route 24 Gurnet Bridge (Harpswell).

(8) Card Cove  
West of a line drawn from the southeastern most tip of Pinkham Point, Harpswell, in a southwesterly direction to the nearest point of land and to include all of Card Cove, Harpswell.

(9) Beals-Jonesport Bridge  
Eastern boundary: West of a line drawn from the most eastern tip of Perio Point, Beals to OW Look's wharf, Jonesport.

Western boundary: East of the Jonesport-Beals Bridge.

(10) ~~Moosabec Reach~~  
~~Eastern boundary: West of the Jonesport Bridge.~~

~~Western boundary: East of a line drawn from the most western tip of Macks Point, located north of Mill Pond cove, Beals to the end of the dock on Lobster Lane, Jonesport.~~

(11) ~~Inner Harbor/Deep Hole Closure~~  
~~West of a line drawn from the most western point of Whitmore Neck, Deer Isle due True North to the South shore of Mountainville, Deer Isle at Latitude 44° 12.407' N Longitude 068° 38.819' W.~~

## 11.09 Limited Access Areas

It shall be unlawful to fish for, take, or possess scallops taken by any method within any of the following Limited Access Areas except by divers on ~~December 2, 9, 16, 19, 21, 23, 26 and 30, 2015; January 13 and 16, 2016; and March 2, 5, 9, 12, 16 and 23, 2016~~ except for Whiting and Dennys Bays Area (4) where fishing shall be ~~only be open to divers on December 4, 11, 18 and 22, 2015; January 8, 15, 22 and 29, 2016; February 5, 12, 19 and 26, 2016; and March 4, 11, 18, 25 and 26, 2016.~~ December 1, 3, 8, 10, 15, 17, 22 and 29, 2016; January 7, 2017; March 2, 9, 16, 18, 23, 25 and 30, 2017; and April 6 and 13, 2017 except for MDI Area (5) and the East Moosabec Reach Area (6) where fishing shall be only open to divers on December 1, 8, 15, 22 and 29, 2016; January 5, 12, 19 and 26, 2017; February 2, 9, 16, and 23, 2017; March 2, 9, 16, 23 and 30, 2017; and April 6 and 13, 2017 and Whiting and Dennys Bays Area (4) which shall be open to divers on December 3, 10, 17, 24 and 31, 2016; January 6, 13, 20 and 27, 2017; February 3, 11, 18 and 25, 2017; and March 4, 10, 17 and 24, 2017. All directions are relative to True north (not magnetic).

It shall be unlawful to fish for, take, or possess scallops taken by any method within any of the following Limited Access Areas except by draggers on ~~January 4, 11, 18 and 25, 2016; February 1, 8, 15, 22 and 29, 2016; March 7, 14, 21 and 28, 2016 and April 4 and 11, 2016~~ except for Whiting and Dennys Bays Area (4) where fishing shall ~~only be open to draggers on December 2, 9, 16, 23 and 30, 2015; January 6, 13, 20 and 27, 2016; February 3, 10, 17 and 24, 2016; and March 2, 9, 16, and 23, 2016.~~ January 2, 9, 16, 23 and 30, 2017; February 6, 13, 20 and 27, 2017; March 6, 13, 20 and 27, 2017; and April 3 and 10, 2017 except for MDI Area (5) and the East Moosabec Reach Area (6) where fishing shall be only open to draggers on January 2, 9, 16, 23 and 30, 2017; February 6, 13, 20 and 27, 2017; and March 6, 13, 20 and 27, 2017 and Whiting & Dennys Bays (4) where fishing shall be open to draggers on December 7, 14, 21 and 28, 2016; January 4, 11, 18 and 25, 2017; February 1, 8, 15 and 22, 2017; and March 1, 8, 15, 22 and 29, 2017. All directions are relative to True north (not magnetic).

### Transiting exception:

Any vessel possessing scallops onboard, may transit these Limited Access Areas, 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 block or on the winch for draggers, while regulators, buoyancy compensators and tanks should be disconnected with fins and weight belts removed for divers.

The Commissioner may close harvesting for the remainder of the season in the Limited Access Areas listed below though emergency rulemaking if the Department has information that indicates there is a likelihood that between 30 percent and 40 percent of the harvestable biomass has been removed.

(1) Casco Bay Area:

Western boundary: South of a line drawn from the most southwestern point of Basin Point (Harpwell) to the northern tip of Jewell Island. Also, the waters between and to the north of Basin Point and Gun Point bounded by the Route 24 Gurnet Bridge (Harpwell).

Eastern boundary: West and North of a line drawn from the most southern tip of Gun Point, Harpswell, to G "3", South of Round Rock; continuing in a southwesterly direction to R N "4" at Drunkers Ledges, then continuing to the southeastern tip of Jewell island.

(2) Damariscotta/Sheepscot Area:

South 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 and south and east of the Southport Island Bridge. Then north of a line drawn from the most southern point of Outer Head Island at Griffith Head, Georgetown to the most southern tip of Cape Island, Southport and then to the most southern tip of Fishermen Island. Then, north of a line from the most northern tip of Fishermen Island to the most southwestern point of Thrumcap Island, and west of a line drawn from this point to the most southern tip of Shipley Point, following the western shoreline of Rutherford Island. Also, west of the South Bristol Bridge, and to include the Damariscotta River.

(3) Muscongus/Western Penobscot Area:

Western boundary: 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 west shore of Mosquito Island, St. George.

Eastern boundary: South and west of a line starting at the northern end of the Rackliff Island causeway then following the shore to the most southern point of Rackliff Island continuing to the most southern point of Norton Island and then continuing to the most southern point of Whitehead Island then to the southern end of Two Bush Island and continuing in a southwest direction to the most eastern tip of Mosquito Island, St. George.

(4) Whiting Bay and Denny's Bay Area:

It shall be unlawful to fish for or take scallops and or 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 Bay and Denny's Bay.

(5) Mount Desert Island Area

Southern boundary: North and west of a line drawn from the southernmost tip of Sargent Head, Southwest Harbor, southwesterly to the most northern top of King Point, Southwest Harbor and to include all of Somes Sound.

(6) East Moosabec Reach Area

Eastern boundary: West of a line starting at the western end of the breakwater in Sawyer's Cover, Jonesport, to the most western end of Pig Island and then due south to the closest point of land on Great Wass Island.

Western boundary: West of a line drawn from the most eastern tip of Perio Point, Beals to OW Look's wharf, Jonesport.

## 11.11 Open and Closed Scallop Fishing Days

### 1. Zone 1 season for draggers

The Atlantic Sea Scallop harvesting season in Maine's territorial waters for draggers in Zone 1 is open ~~December 15, 2015 through April 11, 2016~~ December 5, 2016 through April 11, 2017, both days inclusive, with the following exceptions:

- A. ~~In December 2015, January 2016, and February 2016, fishing is prohibited on Fridays, Saturdays and Sundays. Fishing is prohibited on Thursday, December 24, and~~

Thursday, December 31, 2015. In December 2016, fishing is prohibited on Thursday, Fridays, Saturdays and Sundays.

- B. In March 2016 and April 2016 fishing is prohibited on Thursdays, Fridays, Saturdays and Sundays. In January 2017 and February 2017, fishing is prohibited on Fridays, Saturdays and Sundays.
- C. In March 2017 and April 2017, fishing is prohibited on Wednesdays, Thursdays, Fridays, Saturdays and Sundays, except for March 1 and 2, 2017 which shall be open.

2. Zone 1 season for divers

The Atlantic Sea Scallop harvesting season in Maine's territorial waters for divers in Zone 1 is open ~~December 1, 2015 through April 15, 2016~~ December 1, 2016 through April 15, 2017, both days inclusive, with the following exceptions:

- A. In the months of December 2015, March 2016 and April 2016, fishing is prohibited on Sundays, Mondays and Tuesdays, except for Tuesday, December 1, Tuesday, December 8, Tuesday, December 15, Monday, December 21, Tuesday, December 22, Monday, December 28 and Tuesday, December 29, 2015 and Tuesday, April 5 and Tuesday, April 12, 2016 which shall be open. Fishing is prohibited on Thursday, December 24, Friday, December 25 and Thursday, December 31, 2015. In the month of December 2016, fishing is prohibited on Sundays and Mondays. Fishing is prohibited on Saturday, December 24, 2016 and Saturday, December 31, 2016.
- B. In the months of January 2016 and February 2016 fishing is prohibited except for Saturday, January 2, Wednesday, January 6, Thursday, December 7, Friday, January 8, Saturday, January 9, Wednesday, January 13, Thursday, January 14, Friday, January 15, and Saturday, January 16, 2016 which shall be open. In the month of January 2017, fishing is prohibited, except for January 3, 4, 5, 6, and 7, 2017 which shall remain open.
- C. Fishing is prohibited in the month of February 2017.
- D. In the month of March 2017, fishing is prohibited on Sundays, Mondays and Tuesdays, except Tuesday, March 21 and Tuesdays, March 28 which shall remain open.
- E. In the month of April 2017, fishing is prohibited on Sundays.

3. Zone 2 season for draggers

The Atlantic Sea Scallop harvesting season in Maine's territorial waters for draggers in Zone 2 is open ~~December 1, 2015 through April 13, 2016~~ December 5, 2016 through March 28, 2017, both days inclusive, with the following exceptions:

- A. In December 2015, January 2016, and February 2016, fishing is prohibited on Fridays, Saturdays and Sundays. Fishing is prohibited on Thursday, December 24, and Thursday, December 31, 2015. In December 2016, fishing is prohibited on Fridays, Saturdays and Sundays. Fishing is prohibited on Thursday, December 1, 2016.
- B. In March 2016 and April 2016 fishing is prohibited on Thursdays, Fridays, Saturdays and Sundays. In January 2017 and February 2017, fishing is prohibited on Saturdays and Sundays.
- C. In March 2017, fishing is prohibited on Thursdays, Fridays, Saturdays and Sundays.

4. Zone 2 season for divers

The Atlantic Sea Scallop harvesting season in Maine's territorial waters for divers in Zone 2 is open ~~December 1, 2015 through April 15, 2016~~ December 1, 2016 through April 14, 2017, both days inclusive, with the following exceptions:

- A. ~~In the months of December 2015, March 2016 and April 2016, fishing is prohibited on Sundays, Mondays and Tuesdays, except for Tuesday, December 1, Monday, December 21, Tuesday, December 22, Monday, December 28 and Tuesday, December 29, 2015 which shall be open. Fishing is prohibited on Thursday, December 24, Friday, December 25 and Thursday, December 31, 2015, Wednesday, March 2 and Wednesday, March 9, 2016. In the months of December 2016, January 2017 and March 2017, fishing is prohibited on Sundays, Mondays and Tuesdays. Fishing is prohibited on Saturday, December 24, and Saturday, December 31, 2016; and Saturday, January 21 and Saturday, January 28, 2017.~~
  - B. ~~In the months of January 2016 and February 2016 fishing is prohibited on Saturdays, Sundays, Mondays, Tuesdays and Wednesdays except for Saturday, January 2, Wednesday, January 6, Saturday, January 9, Wednesday, January 13, Saturday, January 16, Monday, February 8, Tuesday, February 9, Wednesday, February 10, and Saturday, February 13, 2016 which shall be open. In the month of February 2017, fishing is prohibited on Saturdays, Sundays, Mondays, Tuesdays and Wednesdays, except for Tuesday, February 7 and Saturday, February 11, 2017 which shall be open.~~
  - C. ~~In the month of April 2017, fishing is prohibited on Sundays, Mondays, Tuesdays and Wednesdays.~~
5. Zone 3 season for draggers

The Atlantic Sea Scallop harvesting season in Maine's territorial waters for draggers in Zone 3 is open ~~December 1, 2015 through March 23, 2016~~ December 5, 2016 through March 29, 2017, both days inclusive, with the following exceptions:

- A. ~~Fishing is prohibited on Thursdays, Fridays, Saturdays and Sundays. Fishing is prohibited on Monday, March 27, 2017.~~
6. Zone 3 season for divers

The Atlantic Sea Scallop harvesting season in Maine's territorial waters for divers in Zone 3 is open ~~December 3, 2015 through March 26, 2016~~ December 1, 2016 through March 24, 2017, both days inclusive, with the following exceptions:

- A. ~~In December 2015 and March 2016 fishing is prohibited on Sundays, Mondays, Tuesdays and Wednesdays, except for Tuesday, December 22, Wednesday, December 23, Tuesday, December 29, and Wednesday, December 30, 2015 which shall be open. Fishing is prohibited on Thursday, December 24 and Thursday, December 31, 2015. Fishing is prohibited on Sundays, Mondays, Tuesdays and Wednesdays.~~
- B. ~~In January 2016 and February 2016, fishing is prohibited on Saturdays, Sundays, Mondays and Tuesdays. Fishing is prohibited on Friday, January 1, 2016.~~

## 11.21 Ten (10) Year Rotational Management Plan

### 1. Zone Two (2): Eastern Maine

The open and closed seasons in the specified areas within Zone Two (2) shall be open on a rotational basis as shown in the following table:



Zone Two (2) Eastern Maine 10 Year Rotational Management Plan Schedule										
Rotation	Year 1 2012-13 Season	Year 2 2013-14 Season	Year 3 2014-15 Season	Year 4 2015-16 Season	Year 5 2016-17 Season	Year 6 2017-18 Season	Year 7 2018-19 Season	Year 8 2019-20 Season	Year 9 2020-21 Season	Year 10 2021-22 Season
<b>First</b>	X	X	OPEN	X	X	OPEN	X	X	OPEN	X
<b>Second</b>	OPEN	OPEN	X	X	OPEN	X	X	OPEN	X	X
<b>Third</b>	OPEN	OPEN	X	OPEN	X	X	OPEN	X	X	OPEN

A. First Rotation

It shall be unlawful to fish for, take, or possess scallops taken by any method within any of the following closed areas, except for the 2014-15 fishing season, the 2017-18 fishing season and the 2020-21 fishing season. All directions are relative to True North (not Magnetic unless specified as such).

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) The Bold Coast

Eastern boundary: South and West of a line drawn from the international bridge that connects Lubec to Campobello Island, New Brunswick, Canada.

Western boundary: North and East of a line starting at the most western tip of Jim's Head in the town of Trescott and Magnetic south to the three mile limit.

(2) Little Kennebec/Englishman Bay:

Eastern boundary: South and West of a line starting at Bucks Head, Machiasport proceeding East to the southern end of Northwest Head on Cross Island then True South to the three mile limit.

Western boundary: East and South 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 and from the eastern tip of Great Spruce Island to the day board at East Black Rock 'RW Bn', and then True South to the three mile limit, including Roque Island harbor however not to include the Thoroughfare between Roque Island and Great Spruce Island.

(3) Addison

Eastern boundary: South and West of a line starting at the most eastern end of Tibbett Island going due North to the closest point of land on Moose Neck and southeast to the most northern tip of eastern Plummer Island then the most western tip of Toms Island then True South to the three mile limit.

Western boundary: East and South of a line starting at Strout Point in the town of Milbridge to the most northern tip of Foster Island in the town of Milbridge then the most southeastern tip of Fosters Island to the most northern tip of Dyers Island; continuing from southern tip of Dyers Island to the most northwestern tip of Flint Island and the most southwestern tip of Flint Island then running Magnetic South to the three mile limit.

(4) Frenchman's Bay

Eastern boundary: South and West of a line starting from the southern most tip of Schoodic Point Magnetic South to the three mile limit (western boundary of the Zone A lobster management zone).

Western boundary: East and North of a line starting at the most eastern end of Otter Point, Mount Desert Island continuing SE (135°) to the three mile limit at Latitude 44 16.080 N Longitude 68 07.919 W.

(5) Swan's Island

Eastern boundary: South and West of a line starting at Bass Harbor Head then in a southeast direction to the most easterly Point of Great Gott Island continuing on True South to the three mile limit.

Western boundary: East and South of a line from the southern most tip of Lopaus Point to the northern most point of Black Island; continuing from the western most tip of Black Island to the northern most tip of Swans Island Head, Swans Island; continuing South from West Point, Swans Island to Long Point, Marshall Island; then East of a line from the southwestern most tip of Lower Head, Marshall Island running True South to the three mile limit.

(6) Isle Au Haut Bay

Eastern boundary: South and West of a line starting at Moose Island, Deer Isle, to the western most point of Farrel Island, then True South to the three mile limit.

Western boundary: South of a line starting at the southern most point of Stinson Point, Deer Isle west to Mullen Head, North Haven; then East of a line starting at Fish Point, North Haven to Calder Wood Point on Calderwood Neck, Vinalhaven; continuing from the southern most point of Lane Island, Vinalhaven, True South to the three mile limit.

(7) Upper Penobscot Bay

Eastern boundary: Northwest of a line from Deer Isle bridge and the most southwestern point of Little Deer Isle to the most northern point of Pickering Island, then to the most eastern tip of Dark Harbor, Islesboro; continuing on from Grindel Point, Islesboro due West to the Sea Urchin Zone line at Latitude 44 16.913 N Longitude 68 58.508 W.

Western boundary: East of the Sea Urchin Zone Line.

B. Second Rotation

It shall be unlawful to fish for, take, or possess scallops taken by any method within any of the following closed areas, except for the 2012-13 fishing season, the 2013-14 fishing season, the 2016-17 fishing season and the 2019-20 fishing season. All directions are relative to True North (not Magnetic unless specified as such).

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) The Cutler Shore

Eastern boundary: South and West of a line starting at the most western tip of Jim's Head in the town of Trescott and Magnetic South to the three mile limit.

Western boundary: North and East of a line drawn South from Great Head, Cutler to the three mile limit.

(2) Chandler Bay/Head Harbor Island

Eastern boundary: North and West 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 and from the eastern tip of Great Spruce Island to the day board at East Black Rock 'RW Bn', and then True South to the three mile limit, including the Thoroughfare between Roque Island and Great Spruce Island.

Western boundary: East of the Jonesport Bridge then True South from the most Eastern tip of Little Pond Head to the three mile limit.

(3) Narraguagus/Pigeon Hill Bay

Eastern boundary: South and West of a line starting at Strout Point in the town of Milbridge to the most northern tip of Foster Island in the town of Milbridge then the most southeastern tip of Fosters Island to the most northern tip of Dyers Island; continuing from southern tip of Dyers Island to the most northwestern tip of Flint Island and the most southwestern tip of Flint Island then running Magnetic South to the three mile limit.

Western boundary: North and East of a line starting at the most southern tip of Petit Manan to EB gong, then South to the northern most tip of Green Island; then from the southeastern top of Green Island to the northern tip of Petit Manan Island; then from the southern tip of Petit Manan Island to N"2", then to G"1" bell , then True South to the three mile limit.

(4) Cranberry Isle Area

Eastern boundary: South and West of a line starting at the most eastern end of Otter Point, Mount Desert Island continuing SE (135°) to the three mile limit at Latitude 44 16.080 N Longitude 68 07.919 W.

Western boundary: North and East of a line starting at Bass Harbor Head Light then in a southeast direction to the most easterly point on the eastern head of Great Gott Island continuing on True South to the three mile limit.

(5) Lower Blue Hill Bay/Jericho Bay

Eastern boundary: North and West of a line from the southern most tip of Lopaus Point to the northern most point of Black Island; continuing from the western most tip of Black Island to the northern most tip of Swans Island Head.

Western boundary: North and East of the line from the most southeastern point of ~~Stinson Neck, Deer Isle; then running to~~ Naskeag Point, Brooklin ~~AND from the southeastern point of Stinson Neck, Deer Isle~~ to the northern most tip of Swan's Island Head, Swan's Island.

Northern boundary: South of a line drawn from the eastern most point of Harriman Point due East to the southern tip of Hardwood Island, then South to the northern tip of Moose Island, then from the southern tip of Moose Island East to Reed Point, Mount Desert Island.

(6) East Isle Au Haut Bay

Eastern boundary: West of a line from the eastern tip of Coles Head on Whitemore Neck, Deer Isle ~~southwestern tip of Stinson Neck, Deer Isle~~ South to the western most point of Millett Island, then South to Richs Point, Isle Au Haut; then from the southern tip of Eastern Head, Isle au Haut, True South to the three mile limit.

Western boundary: South and East of a line starting at Moose Island, Deer Isle, to the western most point of Farrel Island, then True South to the three mile limit

(7) Mid Penobscot Bay

Northern boundary: South of a line from the most northwestern point of Little Deer Isle to the most northern point of Pickering Island, then to the most eastern tip of Dark Harbor, Islesboro; continuing on from Grindel Point, Islesboro due West to the Sea Urchin Zone line at Latitude 44 16.913 N Longitude 68 58.508 W.

Southern boundary: North of a line starting at the southern most point of Stinson Point, Deer Isle, West to Mullen Head, North Haven AND North of a line starting at Pulpit Rock, North Haven due West to the Sea Urchin Zone line at Latitude 44 09.551 N Longitude 69 01.510 W.

It shall be unlawful to fish for, take, or possess scallops taken by any method within any of the following closed areas, except for the 2012-13 fishing season, the 2013-14 fishing season, the 2015-16 fishing season, the 2018-19 fishing season and the 2021-22 fishing season. All directions are relative to True North (not Magnetic unless specified as such).

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) Machias Area

North and East 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 three mile limit, and West of a line drawn due south from Great Head, Cutler to the three mile limit.

(2) Wohoa/Western Bay

Eastern boundary: West of the Jonesport Bridge then True South from the most eastern tip of Little Pond Head to the three mile limit.

Western boundary: North and East of a line starting at the most eastern end of Tibbett Island going due North to the closest point of land on Moose Neck and southeast to the most northern tip of eastern Plummer Island then the most western tip of Toms Island; then True South to the three mile limit.

(3) Gouldsboro/Dyer Bay

Eastern boundary: South and West of a line starting at the most southern tip of Petit Manan to EB Gong, then South to the northern most tip of Green Island; then from the southeastern top of Green Island to the northern tip of Petit Manan Island; then from the southern tip of Petit Manan Island to N"2"; then to G"1" bell; then True South to the three mile limit.

Western boundary: North and East of a line starting from the southern most tip of Schoodic Point Magnetic South to the three mile limit (western boundary of the Zone A lobster management zone).

(4) Upper Blue Hill Bay/Union River

North of a line from Eastern most point of Harriman Point due East to the southern tip of Hardwood Island, then South to the northern tip of Moose Island: then from the southern tip of Moose Island East to Reed Point, Mount Desert Island.

(5) Lower Jericho Bay

Northern boundary: South and east of a line from the southeastern point of Stinson Neck, Deer Isle to the southeastern point of Naskeag Point, Booklin; continuing southeast to the northern most tip of Swan's Island Head, Swan's Island.

Eastern boundary: North and West of a line from northern most tip of Swans Island Head; continuing South from West Point, Swans Island to Long Point, Marshall Island; then West of a line from the southern most tip of Lower Head, Marshall Island running True South to the three mile limit.

Western boundary: East and south of a line from the southwestern tip of Stinson Neck, Deer Isle

west to the eastern tip of Coles Head on Whitmore Neck, Deer Isle; then south to the western most point of Millett Island, then South to Richs Point, Isle Au Haut; then from the southern tip of Eastern Head, Isle au Haut, True South to the three mile limit.

(6) Eggemoggin Reach/Southeast Harbor

Eastern boundary: North and West of a line from the most southeastern point of Stinson Neck, Deer Isle then running to Naskeag Point, Brooklin AND North of a line starting at the most southwestern tip of Stinson Neck, Deer Island running to Coles Point on Whitmore Neck, Deer Island; this includes all of Southeast Harbor.

Western boundary: South and West of the Deer Isle Bridge.

(7) Lower Penobscot Bay & Outer Islands

Northern/Western boundary: South of a line starting at Pulpit Rock, North Haven due West to the Sea Urchin Zone line at Latitude 44 09.551 N Longitude 69 01.510 W and continuing south along the Sea Urchin Zone line to the three mile limit, encompassing the territorial waters around all the outer islands of Penobscot Bay including Little Green Island, Large Green Island, Matinicus Island, Ragged Island, Wooden Ball Island, Seal Island and Matinicus Rock.

Eastern boundary: West of a line starting at Calder Wood Point, ~~North Haven~~ Vinalhaven to Fish Point, North Haven; then West of a line from the southern most point of Lane Island, Vinalhaven, True South to the three mile limit.

**Insert this Zone One (1) DRAG calendar as if underlined (at the end of Ch. 11):**

# 2016 - 2017 Scallop Season Calendar

## Zone One (1)

### 60 Day DRAG Season (15 gallons)

O Zone 1 Limited Access Areas Draggers
O Open
   Closed

December 2016						
S	M	Tu	W	Th	F	S
				1	2	3
4	5 O	6 O	7 O	8	9	10
11	12 O	13 O	14 O	15	16	17
18	19 O	20 O	21 O	22	23	24
25	26 O	27 O	28 O	29	30	31

12

January 2017						
S	M	Tu	W	Th	F	S
1	2 O	3 O	4 O	5 O	6	7
8	9 O	10 O	11 O	12 O	13	14
15	16 O	17 O	18 O	19 O	20	21
22	23 O	24 O	25 O	26 O	27	28
29	30 O	31 O				

18

February 2017						
S	M	Tu	W	Th	F	S
			1 O	2 O	3	4
5	6 O	7 O	8 O	9 O	10	11
12	13 O	14 O	15 O	16 O	17	18
19	20 O	21 O	22 O	23 O	24	25
26	27 O	28 O				

16

March 2017						
S	M	Tu	W	Th	F	S
			1 O	2 O	3	4
5	6 O	7 O	8	9	10	11
12	13 O	14 O	15	16	17	18
19	20 O	21 O	22	23	24	25
26	27 O	28 O	29	30	31	

10

April 2017						
S	M	Tu	W	Th	F	S
						1
2	3 O	4 O	5	6	7	8
9	10 O	11 O	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29

4

**Muscle Ridge: OPEN Mondays  
& Tuesdays to DRAGGERS**

**Total Days**  
60

**Total Limited Access Areas Days**  
15

**Total Weeks**  
19

**Insert this Zone Two (2) DRAG calendar as if underlined (at the end of Ch. 11):**

# 2016 - 2017 Scallop Season Calendar

## Zone Two (2)

### 70 Day DRAG Season (15 gallons)

O Zone 2 Limited Access Areas Draggers
O Open
   Closed

December 2016						
S	M	Tu	W	Th	F	S
				1	2	3
4	5 O	6 O	7 O	8 O	9	10
11	12 O	13 O	14 O	15 O	16	17
18	19 O	20 O	21 O	22 O	23	24
25	26 O	27 O	28 O	29 O	30	31

16

January 2017						
S	M	Tu	W	Th	F	S
1	2 O	3 O	4 O	5 O	6 O	7
8	9 O	10 O	11 O	12 O	13 O	14
15	16 O	17 O	18 O	19 O	20 O	21
22	23 O	24 O	25 O	26 O	27 O	28
29	30 O	31 O				

22

February 2017						
S	M	Tu	W	Th	F	S
			1 O	2 O	3 O	4
5	6 O	7 O	8 O	9 O	10 O	11
12	13 O	14 O	15 O	16 O	17 O	18
19	20 O	21 O	22 O	23 O	24 O	25
26	27 O	28 O				

20

March 2017						
S	M	Tu	W	Th	F	S
			1 O	2	3	4
5	6 O	7 O	8 O	9	10	11
12	13 O	14 O	15 O	16	17	18
19	20 O	21 O	22 O	23	24	25
26	27 O	28 O	29	30	31	

12

April 2017						
S	M	Tu	W	Th	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29

0

**Total Days**  
**70**

**Total Limited Access Areas Days**  
**13**

**Total Weeks**  
**17**

*Insert this Zone Three (3) DRAG calendar as if underlined (at the end of Ch. 11):*

**2016 - 2017 Scallop Season Calendar**  
**Zone Three (3)**  
**50 Day DRAG Season (10 gallons)**

**O** Zone 3 Limited Access Areas Draggers      **O** Open       Closed

December 2016						
S	M	Tu	W	Th	F	S
				1	2	3
4	5 O	6 O	7 O	8	9	10
11	12 O	13 O	14 O	15	16	17
18	19 O	20 O	21 O	22	23	24
25	26 O	27 O	28 O	29	30	31

January 2017						
S	M	Tu	W	Th	F	S
1	2 O	3 O	4 O	5	6	7
8	9 O	10 O	11 O	12	13	14
15	16 O	17 O	18 O	19	20	21
22	23 O	24 O	25 O	26	27	28
29	30 O	31 O				

12

14

February 2017						
S	M	Tu	W	Th	F	S
			1 O	2	3	4
5	6 O	7 O	8 O	9	10	11
12	13 O	14 O	15 O	16	17	18
19	20 O	21 O	22 O	23	24	25
26	27 O	28 O				

March 2017						
S	M	Tu	W	Th	F	S
			1 O	2	3	4
5	6 O	7 O	8 O	9	10	11
12	13 O	14 O	15 O	16	17	18
19	20 O	21 O	22 O	23	24	25
26	27	28 O	29 O	30	31	

12

12

April 2017						
S	M	Tu	W	Th	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29

0

**Total Days**  
50

**Total Limited Access Areas Days**  
17

**Total Weeks**  
17



Strike this Zone One (1) DRAG calendar at the end of Ch.11:

# 2015 - 2016 Scallop Season Calendar

## Zone One (1)

### 60 Day DRAG Season (15 gallons)

Zone 1 Limited Access Areas Draggers
 Open
  Closed

December 2015						
S	M	Tu	W	Th	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15 O	16 O	17 O	18	19
20	21 O	22 O	23 O	24	25	26
27	28 O	29 O	30 O	31		

9

January 2016						
S	M	Tu	W	Th	F	S
					1	2
3	4 O	5 O	6 O	7 O	8	9
10	11 O	12 O	13 O	14 O	15	16
17	18 O	19 O	20 O	21 O	22	23
24	25 O	26 O	27 O	28 O	29	30
31						

16

February 2016						
S	M	Tu	W	Th	F	S
	1 O	2 O	3 O	4 O	5	6
7	8 O	9 O	10 O	11 O	12	13
14	15 O	16 O	17 O	18 O	19	20
21	22 O	23 O	24 O	25 O	26	27
28	29 O					

17

March 2016						
S	M	Tu	W	Th	F	S
		1 O	2 O	3	4	5
6	7 O	8 O	9 O	10	11	12
13	14 O	15 O	16 O	17	18	19
20	21 O	22 O	23 O	24	25	26
27	28 O	29 O	30 O	31		

14

April 2016						
S	M	Tu	W	Th	F	S
					1	2
3	4 O	5 O	6 O	7	8	9
10	11 O	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

4

**Muscle Ridge: OPEN Tuesdays  
& Wednesdays to DRAGGERS**

**Total Days**  
60

**Total Limited Access Areas Days**  
15

**Total Weeks**  
18

Strike this Zone Two (2) DRAG calendar at the end of Ch.11:

# 2015 - 2016 Scallop Season Calendar

## Zone Two (2)

### 70 Day DRAG Season (15 gallons)

Open     Closed

December 2015						
S	M	Tu	W	Th	F	S
		1 O	2 O	3 O	4	5
6	7 O	8 O	9 O	10 O	11	12
13	14 O	15 O	16 O	17 O	18	19
20	21 O	22 O	23 O	24	25	26
27	28 O	29 O	30 O	31		

17

Janaury 2016						
S	M	Tu	W	Th	F	S
					1	2
3	4 O	5 O	6 O	7 O	8	9
10	11 O	12 O	13 O	14 O	15	16
17	18 O	19 O	20 O	21 O	22	23
24	25 O	26 O	27 O	28 O	29	30
31						

16

February 2016						
S	M	Tu	W	Th	F	S
	1 O	2 O	3 O	4 O	5	6
7	8 O	9 O	10 O	11 O	12	13
14	15 O	16 O	17 O	18 O	19	20
21	22 O	23 O	24 O	25 O	26	27
28	29 O					

17

March 2016						
S	M	Tu	W	Th	F	S
		1 O	2 O	3	4	5
6	7 O	8 O	9 O	10	11	12
13	14 O	15 O	16 O	17	18	19
20	21 O	22 O	23 O	24	25	26
27	28 O	29 O	30 O	31		

14

April 2016						
S	M	Tu	W	Th	F	S
					1	2
3	4 O	5 O	6 O	7	8	9
10	11 O	12 O	13 O	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

6

<b>Total Days</b>
<b>70</b>

<b>Total Weeks</b>
<b>20</b>

Strike this Zone Three (3) DRAG calendar at the end of Ch. 11:

# 2015 - 2016 Scallop Season Calendar

## Zone Three (3)

### 50 Day DRAG Season (10 gallons)

O Zone 3 Limited Access Areas Draggers
O Open
   Closed

December 2015						
S	M	Tu	W	Th	F	S
		1 O	2 O	3	4	5
6	7 O	8 O	9 O	10	11	12
13	14 O	15 O	16 O	17	18	19
20	21 O	22 O	23 O	24	25	26
27	28 O	29 O	30 O	31		

14

January 2016						
S	M	Tu	W	Th	F	S
					1	2
3	4 O	5 O	6 O	7	8	9
10	11 O	12 O	13 O	14	15	16
17	18 O	19 O	20 O	21	22	23
24	25 O	26 O	27 O	28	29	30
31						

12

February 2016						
S	M	Tu	W	Th	F	S
	1 O	2 O	3 O	4	5	6
7	8 O	9 O	10 O	11	12	13
14	15 O	16 O	17 O	18	19	20
21	22 O	23 O	24 O	25	26	27
28	29 O					

13

March 2016						
S	M	Tu	W	Th	F	S
		1 O	2 O	3	4	5
6	7 O	8 O	9 O	10	11	12
13	14 O	15 O	16 O	17	18	19
20	21 O	22 O	23 O	24	25	26
27	28	29	30	31		

11

April 2016						
S	M	Tu	W	Th	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

0

**Total Days**  
**50**

**Total Limited Access Areas Days**  
**17**

**Total Weeks**  
**17**

**Insert this Zone One (1) DIVE calendar as if underlined (at the end of Ch. 11):**

# 2016-2017 Scallop Season Calendar

## Zone One (1)

### 60 Day DIVE Season (15 gallons)

**O** Zone 1 Limited Access Areas Divers

**O** Open  Closed

December 2016						
S	M	Tu	W	Th	F	S
				1 O	2 O	3 O
4	5	6 O	7 O	8 O	9 O	10 O
11	12	13 O	14 O	15 O	16 O	17 O
18	19	20 O	21 O	22 O	23 O	24
25	26	27 O	28 O	29 O	30 O	31

January 2017						
S	M	Tu	W	Th	F	S
1	2	3 O	4 O	5 O	6 O	7 O
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

21

5

February 2017						
S	M	Tu	W	Th	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28				

March 2017						
S	M	Tu	W	Th	F	S
			1 O	2 O	3 O	4 O
5	6	7	8 O	9 O	10 O	11 O
12	13	14	15 O	16 O	17 O	18 O
19	20	21 O	22 O	23 O	24 O	25 O
26	27	28 O	29 O	30 O	31 O	

0

21

April 2017						
S	M	Tu	W	Th	F	S
						1 O
2	3 O	4 O	5 O	6 O	7 O	8 O
9	10 O	11 O	12 O	13 O	14 O	15 O
16	17	18	19	20	21	22
23	24	25	26	27	28	29

**Muscle Ridge: OPEN Wednesdays  
& Fridays to DIVERS**

13

**Total Days**  
60

**Total Limited Access Areas Days**  
18

**Total Weeks**  
15

***Insert this Zone Two (2) DIVE calendar as if underlined (at the end of Ch. 11):***

# 2016-2017 Scallop Season Calendar

## Zone Two (2)

### 70 Day DIVE Season (15 gallons)

Zone 2 Limited Access Areas Divers     
  Open     
  Closed

December 2016						
S	M	Tu	W	Th	F	S
				1	2	3
				O	O	O
4	5	6	7	8	9	10
			O	O	O	O
11	12	13	14	15	16	17
			O	O	O	O
18	19	20	21	22	23	24
			O	O	O	O
25	26	27	28	29	30	31
			O	O	O	O

January 2017						
S	M	Tu	W	Th	F	S
1	2	3	4	5	6	7
			O	O	O	O
8	9	10	11	12	13	14
			O	O	O	O
15	16	17	18	19	20	21
			O	O	O	O
22	23	24	25	26	27	28
			O	O	O	O
29	30	31				

17

14

February 2017						
S	M	Tu	W	Th	F	S
			1	2	3	4
			O	O	O	O
5	6	7	8	9	10	11
		O	O	O	O	O
12	13	14	15	16	17	18
			O	O	O	O
19	20	21	22	23	24	25
			O	O	O	O
26	27	28				

March 2017						
S	M	Tu	W	Th	F	S
			1	2	3	4
			O	O	O	O
5	6	7	8	9	10	11
			O	O	O	O
12	13	14	15	16	17	18
			O	O	O	O
19	20	21	22	23	24	25
			O	O	O	O
26	27	28	29	30	31	
			O	O	O	O

14

19

April 2017						
S	M	Tu	W	Th	F	S
						1
						O
2	3	4	5	6	7	8
				O	O	O
9	10	11	12	13	14	15
				O	O	O
16	17	18	19	20	21	22
23	24	25	26	27	28	29

6

**Total Days**  
**70**

**Total Limited Access Areas Days**  
**20**

**Total Weeks**  
**21**

**Insert this Zone Three (3) DIVE calendar as if underlined (at the end of Ch. 11):**

# 2016-2017 Scallop Season Calendar

## Zone Three (3)

### 50 Day DIVE Season (10 gallons)

Zone 3 Limited Access Areas Divers     
  Open     
  Closed

December 2016						
S	M	Tu	W	Th	F	S
				1	2	3
				O	O	O
4	5	6	7	8	9	10
				O	O	O
11	12	13	14	15	16	17
				O	O	O
18	19	20	21	22	23	24
				O	O	O
25	26	27	28	29	30	31
				O	O	O

January 2017						
S	M	Tu	W	Th	F	S
1	2	3	4	5	6	7
				O	O	O
8	9	10	11	12	13	14
				O	O	O
15	16	17	18	19	20	21
				O	O	O
22	23	24	25	26	27	28
				O	O	O
29	30	31				

15

12

February 2017						
S	M	Tu	W	Th	F	S
			1	2	3	4
				O	O	O
5	6	7	8	9	10	11
				O	O	O
12	13	14	15	16	17	18
				O	O	O
19	20	21	22	23	24	25
				O	O	O
26	27	28				

March 2017						
S	M	Tu	W	Th	F	S
			1	2	3	4
				O	O	O
5	6	7	8	9	10	11
				O	O	O
12	13	14	15	16	17	18
				O	O	O
19	20	21	22	23	24	25
				O	O	O
26	27	28	29	30	31	

12

11

April 2017						
S	M	Tu	W	Th	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29

0

**Total Days**  
50

**Total Limited Access Areas Days**  
17

**Total Weeks**  
17

Strike this Zone One (1) DIVE calendar at the end of Ch.11:

# 2015 - 2016 Scallop Season Calendar

## Zone One (1)

### 60 Day DIVE Season (15 gallons)

Zone 1 Limited Access Areas Divers

Open  Closed

December 2015						
S	M	Tu	W	Th	F	S
		1 O	2 O	3 O	4 O	5 O
6	7	8 O	9 O	10 O	11 O	12 O
13	14	15 O	16 O	17 O	18 O	19 O
20	21 O	22 O	23 O	24	25	26 O
27	28 O	29 O	30 O	31		

22

January 2016						
S	M	Tu	W	Th	F	S
					1	2 O
3	4	5	6 O	7 O	8 O	9 O
10	11	12	13 O	14 O	15 O	16 O
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

9

February 2016						
S	M	Tu	W	Th	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29					

0

March 2016						
S	M	Tu	W	Th	F	S
		1	2 O	3 O	4 O	5 O
6	7	8	9 O	10 O	11 O	12 O
13	14	15	16 O	17 O	18 O	19 O
20	21	22	23 O	24 O	25 O	26 O
27	28	29	30 O	31 O		

18

April 2016						
S	M	Tu	W	Th	F	S
					1 O	2 O
3	4	5 O	6 O	7 O	8 O	9 O
10	11	12 O	13 O	14 O	15 O	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

11

**Muscle Ridge: OPEN Thursdays & Fridays to DIVERS**

**Total Days**  
60

**Total Limited Access Areas Days**  
15

**Total Weeks**  
15

Strike this Zone Two (2) DIVE calendar at the end of Ch.11:

# 2015 - 2016 Scallop Season Calendar

## Zone Two (2)

### 70 Day DIVE Season (15 gallons)

Open       Closed

December 2015						
S	M	Tu	W	Th	F	S
		1 O	2 O	3 O	4 O	5 O
6	7	8	9 O	10 O	11 O	12 O
13	14	15	16 O	17 O	18 O	19 O
20	21 O	22 O	23 O	24	25	26 O
27	28 O	29 O	30 O	31		

20

January 2016						
S	M	Tu	W	Th	F	S
					1	2 O
3	4	5	6 O	7 O	8 O	9 O
10	11	12	13 O	14 O	15 O	16 O
17	18	19	20	21 O	22 O	23
24	25	26	27	28 O	29 O	30
31						

13

February 2016						
S	M	Tu	W	Th	F	S
	1	2	3	4 O	5 O	6
7	8 O	9 O	10 O	11 O	12 O	13 O
14	15	16	17	18 O	19 O	20
21	22	23	24	25 O	26 O	27
28	29					

12

March 2016						
S	M	Tu	W	Th	F	S
		1	2	3 O	4 O	5 O
6	7	8	9	10 O	11 O	12 O
13	14	15	16 O	17 O	18 O	19 O
20	21	22	23 O	24 O	25 O	26 O
27	28	29	30 O	31 O		

16

April 2016						
S	M	Tu	W	Th	F	S
					1 O	2 O
3	4	5	6 O	7 O	8 O	9 O
10	11	12	13 O	14 O	15 O	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

9

<b>Total Days</b>
<b>70</b>

<b>Total Weeks</b>
<b>20</b>



Strike this Zone Three (3) DIVE calendar at the end of Ch.11

# 2015 - 2016 Scallop Season Calendar

## Zone Three (3)

### 50 Day DIVE Season (10 gallons)

Zone 3 Limited Access Areas Divers     
  Open     
  Closed

December 2015						
S	M	Tu	W	Th	F	S
		1	2	3	4	5
				O	O	O
6	7	8	9	10	11	12
				O	O	O
13	14	15	16	17	18	19
				O	O	O
20	21	22	23	24	25	26
		O	O			O
27	28	29	30	31		
		O	O			

14

January 2016						
S	M	Tu	W	Th	F	S
					1	2
3	4	5	6	7	8	9
			O	O	O	
10	11	12	13	14	15	16
			O	O	O	
17	18	19	20	21	22	23
			O	O	O	
24	25	26	27	28	29	30
			O	O	O	
31						

12

February 2016						
S	M	Tu	W	Th	F	S
	1	2	3	4	5	6
			O	O	O	
7	8	9	10	11	12	13
			O	O	O	
14	15	16	17	18	19	20
			O	O	O	
21	22	23	24	25	26	27
			O	O	O	
28	29					

12

March 2016						
S	M	Tu	W	Th	F	S
		1	2	3	4	5
				O	O	O
6	7	8	9	10	11	12
				O	O	O
13	14	15	16	17	18	19
				O	O	O
20	21	22	23	24	25	26
				O	O	O
27	28	29	30	31		

12

April 2016						
S	M	Tu	W	Th	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

0

**Total Days**  
50

**Total Limited Access Areas Days**  
17

**Total Weeks**  
17

## **Basis Statement**

This rule establishes the 2016-2017 scallop fishing season. As in the 2015-2016 season, there is a daily possession limit of 15 gallons for Zone 1 and Zone 2, and a daily possession limit of 10 gallons for Zone 3. For Zone 1, a 60-day season is set for draggers to start on December 5, 2016 and the last day of the season is April 11, 2017. For Zone 1, a 60-day season is set for divers to start on December 1, 2016 and the last day of the season is April 15, 2017. For Zone 2, a 70-day season is set for draggers to start on December 5, 2016 and the last day of the season is March 28, 2017. For Zone 2, a 70-day season is set for divers to start on December 1, 2016 and the last day of the season is April 15, 2017. For Zone 3, a 50-day season is set for draggers to start on December 5, 2016, and the last day of the season is March 29, 2017. For Zone 3, a 50-day season is set for divers to start on December 1, 2016 and the last day of the season is March 24, 2017.

In addition, DMR is either maintaining or implementing the following targeted closures based on depletion, high concentrations of seed/sublegal scallops and/or the presence of spat-producing scallops which include: Muscle Ridge (limited); Lower Muscle Ridge; Eastern Casco Bay; Ocean Point; Sheepscot River; Muscongus Bay; New Meadows River; Card Cove; and East Moosabec Reach.

Finally, DMR is implementing a Limited Access Area in the MDI region of Zone 2.

Based upon comments received during the proposed rulemaking process, the Department changed the following items in the adoption documents:

- The proposed East Moosabec Reach Targeted Closure size is reduced by moving the eastern boundary west and renaming the closure as Beal-Jonesport Bridge Targeted Closure and establishing a Limited Access Area in the remaining portion of the original closure, which shall be named the East Moosabec Reach Limited Access Area.
- A minor change to the boundaries of the Lower Jericho Bay, Lower Blue Hill Bay/Jericho Bay and East Isle Au Haut Rotational Areas, which were originally made in the 2015-16 season rulemaking, but reversed in error during the restructuring of the regulation in the spring of 2016.
- A minor change to the Lower Penobscot Bay & Outer Island Rotational Area eastern boundary as it included an error referencing North Haven which was corrected to Vinalhaven.
- A minor change to the eastern boundary of the Chandler Bay/Head Harbor Island rotational area and the western boundary of the Little Kennebec/Englishman Bay rotational management to include an intercept on East Black Rock to assist in the enforcement of the boundary by Marine Patrol.
- Zone 1 Dive Calendar: Two days were moved from the middle of January to the first week of that month to provide for five consecutive days of fishing before the split in the season. Two days in the middle of January were also moved to the end of March when weather is better. Finally, three Thursday Limited Access Area days in the month of January were moved from January 7, March 18 & 25, 2017 to enable an early split season to facilitate diving in better conditions as well as to enable tenders and helpers to find alternative work.
- Zone 2 Dive Calendar: Five days were moved from April to January (2) and February (3) to allow for three day fishing weeks in lieu of two day fishing weeks during those months to provide divers with better access to the resource before closures are implemented mid-season.

## **Summary of Comments**

See associated document containing public comments and the Department's responses.

## Rule-Making Fact Sheet

(5 M.R.S., §8057-A)

AGENCY: Department of Marine Resources

NAME, ADDRESS, PHONE NUMBER OF AGENCY CONTACT PERSON:

Deirdre Gilbert, Department of Marine Resources, 21 State House Station, Augusta, Maine 04333-0021 Telephone: (207) 624-6576; E-mail: Deirdre.gilbert@maine.gov, web address: <http://www.maine.gov/dmr/rulemaking/>

CHAPTER NUMBER AND RULE: Chapter 11

STATUTORY AUTHORITY: 12 M.R.S. §12 M.R.S. §6171

DATE AND PLACE OF PUBLIC HEARING:

September 12, 2016, 6:00 PM, Ellsworth City Hall Auditorium, One City Hall Plaza, Ellsworth

September 14, 2016, 6:00 PM, University of Maine Machias, Rm 102, 116 O'Brien Avenue Machias

September 19, 2016, 6:00 PM, Lincoln County Communications Center, US-1, Wiscasset

COMMENT DEADLINE: **10/12/2016**

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

Scallop Regulations must be updated for each new season in order to adjust the schedules and closure lines based on lessons learned from the previous season.

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 rule establishes the 2016-2017 scallop fishing season. As in the 2015-2016 season, there is a daily possession limit of 15 gallons for Zone 1 and Zone 2, and a daily possession limit of 10 gallons for Zone 3. For Zone 1, a 60-day season is set for draggers to start on December 5, 2016 and the last day of the season is April 11, 2017. For Zone 1, a 60-day season is set for divers to start on December 1, 2016 and the last day of the season is April 15, 2017. For Zone 2, a 70-day season is set for draggers to start on December 5, 2016 and the last day of the season is March 28, 2017. For Zone 2, a 70-day season is set for divers to start on December 1, 2016 and the last day of the season is April 14, 2017. For Zone 3, a 50-day season is set for draggers to start on December 5, 2016, and the last day of the season is March 29, 2017. For Zone 3, a 50-day season is set for divers to start on December 1, 2016 and the last day of the season is March 24, 2017. In addition, DMR is maintaining or implementing the following targeted closures based on depletion, high concentrations of seed/sublegal scallops and/or the presence of spat-producing scallops which include Muscle Ridge (limited), Lower Muscle Ridge, Eastern Casco Bay, Ocean Point, Sheepscot River, Muscongus Bay, New Meadows River, Card Cove and East Moosabec Reach. Finally, DMR is implementing a Limited Access Area in the MDI region of Zone 2.

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]

Input from scallop industry members [harvesters and dealers] and the Marine Patrol officers.

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

Enforcement of this rule will not require additional activity in this agency. Existing enforcement personnel will monitor compliance during their routine patrols.

## Summary of Comments

### Chapter 11 Atlantic Sea Scallop Season Regulations & 2016-17 Harvest Season

Public hearings were held in Ellsworth on September 12, 2016, Machias on September 14, 2016 and in Wiscasset on September 19, 2016. Notice of this proposed rulemaking was given on August 24, 2016 on the following: the DMR website, the DMR rulemaking interested parties e-mail list, the DMR Advisory Council via e-mail, the Secretary of State's proposed rulemaking website, five daily newspapers, via postcard to all Maine licensed scallop harvesters and via GovDelivery. The summarized comments received either at the public hearings, via e-mail or by letter are sorted by topics with Department responses at the end of each section.

#### Public Hearing Attendees

Name	Occupation	Additional Information
Alfred M Haycock	Scallop Dragger	Milbridge
Curtis Haycock	Scallop Dragger	Milbridge
Bill Anderson	Scallop Dragger	Trescott
Deirdre Gilbert	DMR Staff	
Sarah Cotnoir	DMR Staff	
James Thurlow	Scallop Dragger	Bass Harbor
Steve Carter	Scallop Dragger	Bass Harbor
Josh Trundy	Aspiring Scallop Harvester	Sorrento
Roy Whalen	Scallop Dragger	South Gouldsboro
Dean Barrett	Aspiring Scallop Harvester	Addison
James West	Scallop Dragger	Sorrento
Lawrence A. Hodgkin	Scallop Dragger	Bar Harbor
Kurt W. Ciomei	Scallop Dragger	Stonington
Larry L. Spencer	Scallop Dragger	Stonington
Robbie Gray	Scallop Dragger	Deer Isle
Patrick Shepard	PERC	Stonington
William Soukup	Scallop Dragger	S.W. Harbor
Shirley Soukup	Scallop Dragger Spouse	S.W. Harbor
Mike Thalhauser	Penobscot East	Stonington
Laurie Schrieber	Fishermen's Voice	
Jeremy Card	Diver	Ellsworth
Brian Gordius	Scallop Dragger	Bass Harbor
Daniel MacDonald	NA	Isle Au Haut
Jeff Turcotte	Marine Patrol	NA
John R. Williams	NA	Stonington
Joe Denne II	NA	Sorrento
Eddie Damm		Hancock
Steve Rappaport	Ellsworth American	
Billy Bob Faulkingham	Scallop Dragger	Winter Harbor
Taylor Bigler	Mount Desert Islander	MDI
Darrell Williams	Lobsterman	Deer Isle
Ben Weed	Lobsterman	Deer Isle
Adam Starwood	Scallop Dragger	Jonesport
Jeremy Alley	Scallop Dragger	Spruce Head
Travis Fogg	Scallop Dragger	Spruce Head
Doug McLennan	Scallop Dragger	Spruce Head
Alex Todd	Scallop Dragger	Chebeague Island
Bill Sutter	Scallop Dragger	Wiscasset
Reggie House	Scallop Dragger	South Bristol
Adam House	Scallop Dragger	South Bristol
Lawrence Pye	Lobsterman	Phippsburg
Brian Soper	Scallop Diver	Harpwell

Farrell Beal	Scallop & Lobster Fisherman	Beals
Mike Murphy II	Scallop Dragger	Machiasport
Owen Moody	Scallop Dragger	Roque Bluffs
Maurice Alley	Scallop Dragger	Jonesport
Earnest Kelley Jr.	Scallop Dragger	Jonesport
Raymond Alley	Scallop Dragger	Jonesport
Issac Beal	Scallop Dragger	Beals
William Tuell	State Representative 139	Machias
Jim Ackley	Scallop Dragger	Machias
Billy Moore	Scallop Dragger	Machiasport
Paul Cox	Scallop Diver & Dragger	Dennysville
Harris Norton	Scallop Dragger	Jonesboro
Ryan Shoppe	Scallop Dragger	Machiasport
Robert W. Alley	State Representative	Jonesport-Beals
Tony Wood	Scallop Dragger	Gouldsboro
Rick Guptill	Scallop Dragger	South Addison
Jeff Conley	Scallop Dragger	Roque Bluffs
Larry Wood	Scallop Dragger	Machiasport
Elihu Beal	Lobster & Scallop Fisherman	Marshfield
Justin Mahar	Scallop Dragger	Whiting

## CALENDAR

### *Opposed (Zone 1)*

**Brian Soper, Zone 1 Diver, Harpswell; comment received at Wiscasset public hearing:** Gave comment in partial support of the rule. However, he emphasized that divers need a five day workweek. Otherwise a helper must be retained over days during which the helper can't work. He suggested that diver days be squeezed into early January, so that the divers are out of the water, and out of the way of draggers who generally come in later in the season.

**Brian Soper, Zone 1 Diver, Harpswell; comment received via mail:** Provided further comment suggesting further revisions to the Zone 1 Dive calendar for a number of reasons: 1) Two day work weeks – our odds are greatly diminished of getting out if bad weather occurs; 2) Stringing out the few days in January greatly hinders both the fishermen/diver & tender to seeking alternative fill in work; 3) Because of the time frame (2 day work weeks) you only fish a couple of days then potentially spend the next five days keeping ice cleared to only fish 2 days again. It's very costly and hard on boats; 4) Because of the time frame it's another huge expense keeping a boat winterized & running for 2 days a week; and 5) Most divers are 40+ years old and we get in a rhythm with a longer work week that is actually easier on our bodies & mental [health] for this frigid time of year.

**Wesley Greenrose, Sr., Zone 1 diver, Waldoboro; comment received via email:** I wish to comment on the draft schedule for the upcoming Scallop season. I am a diver who primarily fishes for scallops in Zone 1. Last year was my worst season scalloping EVER. I am also a diver for Urchins, and you start out screwing us over by overlap the seasons for the month of December. During the month of December, I have to choose one or the other fisheries, but since each license costs me the same whether I fish or not, I basically lose out on one season or the other. To make matters worse, you completely put me out of work for SIX WEEKS in a row by allowing no days for diving from the third week in January to the end of February. Letting the draggers have total access during these six weeks, all of the productive scallop areas were closed by the time February was over. I am basically paying for a license to fish for just two weeks at the beginning of January, while the draggers are allowed to completely devastate the fishery. It is only fair that the schedule be changed so that divers are allowed to fish during the same period the draggers are allowed to drag, as was done in the past, on alternating days, as is also the case in the other zones. Six weeks without work in the dead of winter when there are no other employment opportunities can make or break a household and is completely unfair to the divers.

**DMR Response:** For the Zone 1 Dive Calendar, the Department supports the suggestion of moving January 12, 13, 19 and 20 to January 3 & 4 and March 21 & 28. In addition, the Department also supports moving two Saturday Limited Access Days from January 12 and 19 to March 19 and 25 as well as the January 5 Limited Access Area day to January 7. Finally, the split season which places the majority of dive days in December and March was supported by a number of divers last season and therefore this pattern was proposed again for this season. During meetings this summer with Zone 1 fishermen, support for this split continued, including a suggestion for an even bigger split. Also, while there is a split in the Zone 1 dive season, there is not in Zone 2 and 3. Since this is a mobile fishery, and Zones are not exclusive, Divers would still have the opportunity to fish during the January-February Zone 1 split season in either Zone 2 or 3. Alternatively, for harvesters that hold both a scallop and an urchin license, there is the option to fish in the Zone 2 Late Dive season which has fishing scheduled for two to three days a week in January and February. Finally, the Sea Urchin Zone Council held three meetings earlier this year to discuss the 2016-17 urchin season calendars and urchin buyers had requested the urchin and scallop overlap days be minimized to the extent possible due to quality issues. However, with only 7 days in a week and early, late, Zone 1, Zone 2, divers and dragger all wanting access in December, it is simply not possible to prevent there from being any overlap between the two fisheries during this month. We strongly urge all urchin harvesters to participate in the urchin season setting meetings so that their input may be considered in the following years season setting for that fishery as well as to participate in the Scallop Advisory Council and scallop Zone meetings in the future.

## 2016-2017 Scallop Season Calendar Zone One (1) REVISED 60 Day DIVE Season (15 gallons)

Zone 1 Limited Access Areas Divers

Open  Closed

December 2016						
S	M	Tu	W	Th	F	S
				1	2	3
				O	O	O
4	5	6	7	8	9	10
		O	O	O	O	O
11	12	13	14	15	16	17
		O	O	O	O	O
18	19	20	21	22	23	24
		O	O	O	O	O
25	26	27	28	29	30	31
		O	O	O	O	O

21

January 2017						
S	M	Tu	W	Th	F	S
1	2	3	4	5	6	7
		O	O	O	O	O
8	9	10	11	12	13	14
				O	O	O
15	16	17	18	19	20	21
				O	O	O
22	23	24	25	26	27	28
29	30	31				

5

February 2017						
S	M	Tu	W	Th	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28				

0

March 2017						
S	M	Tu	W	Th	F	S
			1	2	3	4
			O	O	O	O
5	6	7	8	9	10	11
			O	O	O	O
12	13	14	15	16	17	18
						O
19	20	21	22	23	24	25
		O	O	O	O	O
26	27	28	29	30	31	
		O	O	O	O	

21

**Muscle Ridge: OPEN Wednesdays & Fridays to DIVERS**

April 2017						
S	M	Tu	W	Th	F	S
						1
						O
2	3	4	5	6	7	8
		O	O	O	O	O
9	10	11	12	13	14	15
		O	O	O	O	O
16	17	18	19	20	21	22
23	24	25	26	27	28	29

13

**Total Days**  
60

**Total Limited Access Areas Days**  
18

**Total Weeks**  
15

**Opposed (Zone 2)**

**Jeremy Card, James Card & Eric Hall, Zone 2 Divers, Ellsworth; comment received via email:**

I'd like to formally put my complaint/comment in about the past year. We the Scallop Divers have lost the last month of diving [April] due to emergency closures and the scallop draggers have got to finish all there days of dragging before the closures have gone into effect. So we've lost 20 days alone in 2015-2016 season. We would rather get 3 three day weeks for scalloping. We can't make anything, or get all our days in, with 2 day weeks. So we would rather have them earlier in the year because with weather some in February we usually lose a minimum of 1 day a week sometimes. Thank you.

**DMR Response:** For the Zone 2 Dive Calendar, the Department supports moving April 4, 5, 1, 12 and 15 to January 18 and 25 as well as February 1, 15 and 22. This would result in three day weeks from mid-January to the end of February as the commenters requested.

**Justin Boyce, Zone 2 dragger, Stonington; comment received via email:** I would like to suggest moving Friday fishing days from January and February to the end of March and April. Also I would like to keep the zone 1 and 2 seasons as close as possible to limit the amount of boats moving from zone to zone.

**DMR Response:** In an attempt to separate out access between the dive and drag segments of the fleet to minimize conflict, the Zone 2 drag season was compressed into mostly December, January and February, with some March fishing. Also, earlier in the season our scallops are worth much more on the market; once the Canadian fishery commences in January and the US Federal fishery starts in March, the price of scallops drop as the market becomes flooded, therefore decreasing demand and price for the limited resource that we have to land that we are trying to maximize value for. Finally, other commenters specifically stated that he did not want any Zone 2 fishing days in April. As for Mr. Boyce's second comment, all Zones are currently scheduled to open on the same day: Thursday, December 1 for divers and Monday, December 5 for draggers, which should address Mr. Boyce's concern.

**2016-2017 Scallop Season Calendar**  
**Zone Two (2)**  
**REVISED 70 Day DIVE Season (15 gallons)**

Zone 2 Limited Access Areas Divers     Open     Closed

December 2016						
S	M	Tu	W	Th	F	S
				1 O	2 O	3 O
4	5	6	7 O	8 O	9 O	10 O
11	12	13	14 O	15 O	16 O	17 O
18	19	20	21 O	22 O	23 O	24 O
25	26	27	28 O	29 O	30 O	31 O

17

January 2017						
S	M	Tu	W	Th	F	S
1	2	3	4 O	5 O	6 O	7 O
8	9	10	11 O	12 O	13 O	14 O
15	16	17	18 O	19 O	20 O	21 O
22	23	24	25 O	26 O	27 O	28 O
29	30	31				

14

February 2017						
S	M	Tu	W	Th	F	S
			1 O	2 O	3 O	4 O
5	6	7 O	8 O	9 O	10 O	11 O
12	13	14	15 O	16 O	17 O	18 O
19	20	21	22 O	23 O	24 O	25 O
26	27	28				

14

March 2017						
S	M	Tu	W	Th	F	S
			1 O	2 O	3 O	4 O
5	6	7	8 O	9 O	10 O	11 O
12	13	14	15 O	16 O	17 O	18 O
19	20	21	22 O	23 O	24 O	25 O
26	27	28	29 O	30 O	31 O	

19

April 2017						
S	M	Tu	W	Th	F	S
						1 O
2	3	4	5	6 O	7 O	8 O
9	10	11	12	13 O	14 O	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29

6

**Total Days**  
70

**Total Limited Access Areas Days**  
20

**Total Weeks**  
21

## ***In Support***

**Alex Todd, Zone 1 dragger & Scallop Advisory Council Chair, Chebeague Island; comment received at Wiscasset public hearing:** Don't love it because I want more poundage and days, but overall I am pretty happy with it.

**Mike Murphy, Zone 2 dragger, Jonesport; comment received at Machias public hearing:** Best calendar ever. No April fishing.

**Togue Brawn, Scallop Dealer, Portland, comment received via email:** I support the proposed calendars for the upcoming scallop season. As a dealer that ships scallops across the country, it's important for me to be able to obtain fresh scallops in the early part of the week. I'm happy these calendars allow that. I'm also happy dive and drag opportunities have been separated more fully this year. I think the more separation that can occur, the better each fishery will fare. In fact I hope someday soon the Legislature will make a change to allow the dive season to occur at any time rather than being limited to December 1 to April 15th. I would like to thank the Department for the significant efforts they put into management of the scallop fishery. I know the in-season closures are very labor intensive, and I appreciate the fact that DMR is still willing to do this. I wish there were an easier way to cultivate a sustainable and profitable fishery, but until we come up with that silver bullet, I'm glad that so many folks at DMR are willing to go above and beyond the call of duty to help keep this fishery on its rebuilding trajectory. Thank you.

***DMR Response:*** *The Department appreciates the positive comments regarding the calendar. The Department has strived over the past few years to provide more equitable access to the resource for both gear types by first separating out the calendars for alternating days per week as well as providing more access earlier in the season and later in the season when the weather is better for divers. Also, the Department supports removing the restriction of December 1 to April 15 for the divers. The intent for that restriction was to minimize gear conflict between the fixed lobster gear and mobile scallop drag gear fisheries; however, this restriction does not pertain to divers. It is hoped that if this change is successful, the dive season could have the flexibility to minimize most, if not all, overlap with the drag season days. Additionally, we appreciate the acknowledgement that this type of adaptive in-season management approach is extremely labor and resource intensive for all DMR science, management and enforcement staff. In an effort to diversify our coastal community's resource base, the Department has made it a top priority to rebuild the Maine scallop fishery. Finally, while the Department realizes that long time resource users have experience more and more regulations, including lower daily catch limits and reduced fishing days in an effort to balance rebuilding goals and increasing participation in the fishery, we appreciate that members of the industry such as he are willing to make personal sacrifices for the benefit of the whole fishery.*



## TARGETED CLOSURES

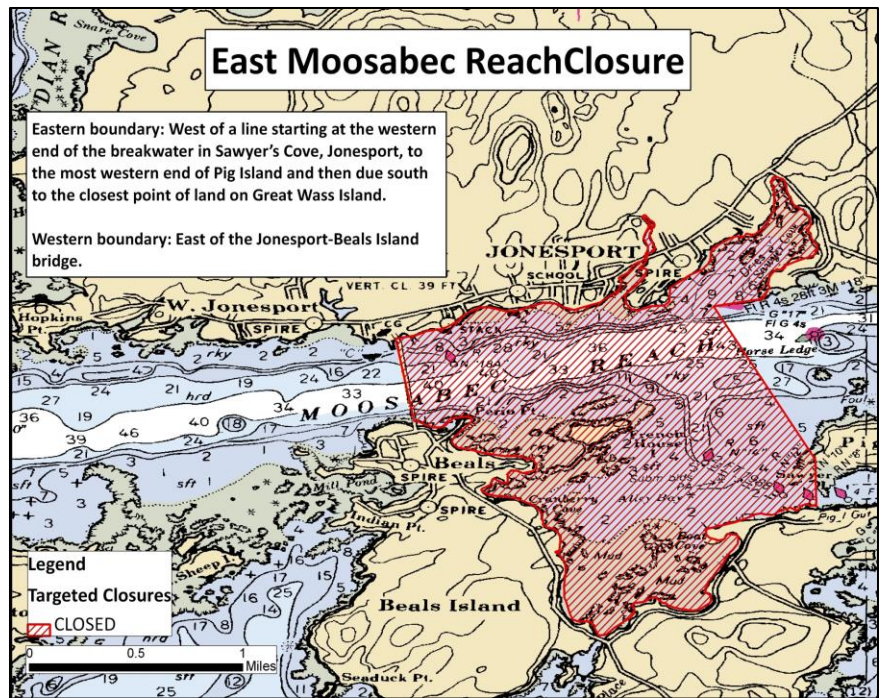
### *Opposed*

#### **Jimmy Ackley, Zone 2 dragger, Jonesport; comment received at Machias public hearing:**

Provided comment on the closure in Jonesport suggesting the line should go from red can on eastern side of the bridge across the way to the wharf at Perio Point.

#### **Farrell Beal, Zone 2 dragger, Jonesport; comment received at Machias public hearing:**

Provided comment on the closure in Jonesport suggesting the line should go from red can on eastern side of the bridge across the way to the wharf at Perio Point.



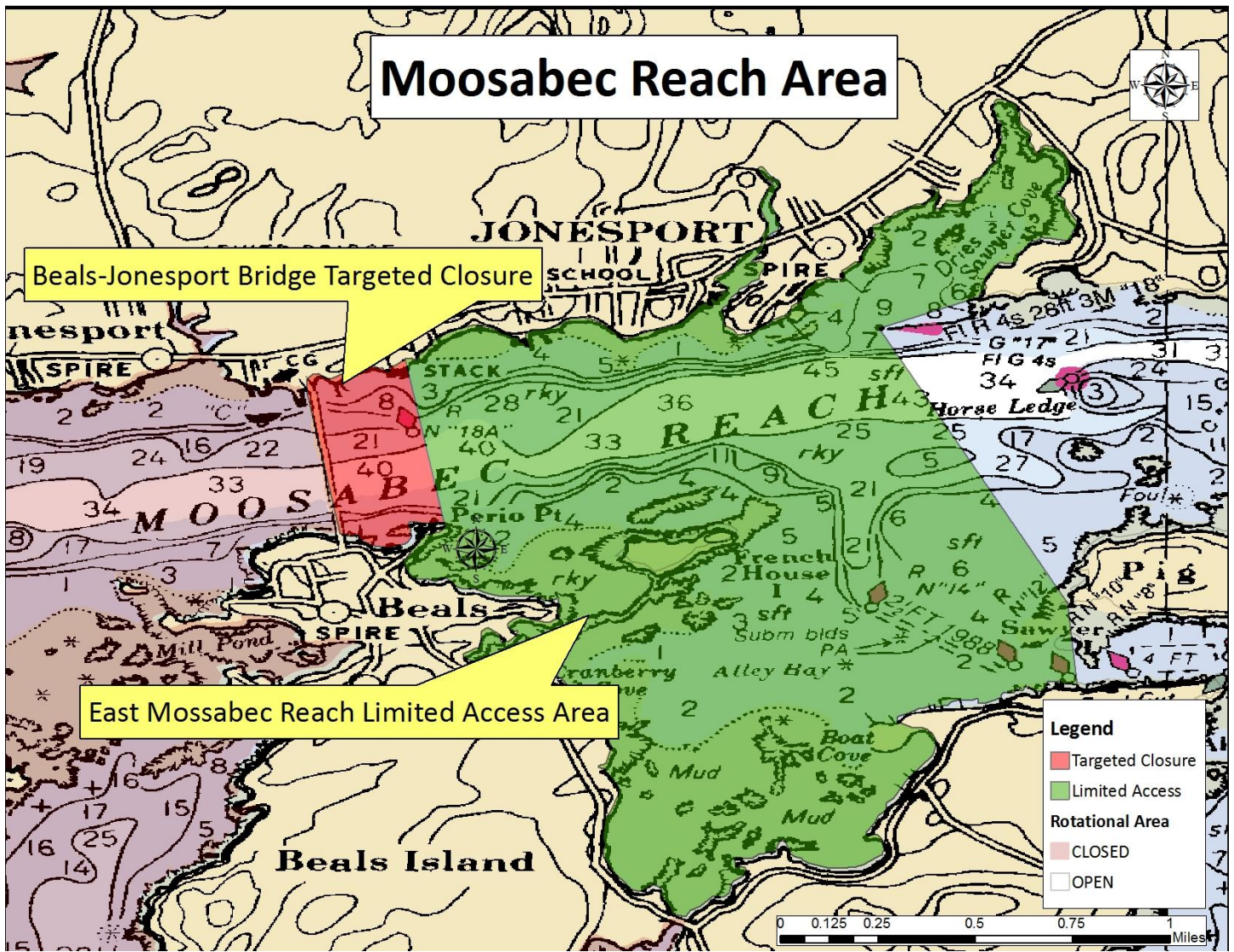
**Ernest Kelley, Jr., Zone 2 dragger, Jonesport; comment received at Machias public hearing:** I believe the best way to preserve the scallops in the Jonesport Reach is to only fish the area from Perio Point to the Horse Rock Buoy one day a week. Thank you.

**Mitchell Beal, Zone 2 Dragger, Jonesport; comment received via email:** I believe the best way to preserve the scalloping grounds in the Jonesport-Beals area would be to open the Jonesport Reach from Perio Pt to the Horse Rock Buoy only one day per week. Thank You for your time.

**Preston Alley, Zone 2 Dragger, Jonesport; comment received via email:** For the scallop season 2016-2017 I think the best way to make the season last longer in the Jonesport Reach would be to fish it only one day a week. The area I am talking about is from Perio pt. Beals to the horse rock buoy. Thank-you.

**Maurice A. Alley, Zone 2 dragger, Jonesport; comment received via email:** I believe the best way to preserve the scallops in the area from Perio pt. to the horse rock buoy in the Jonesport reach would be to have limited access of one day a week.

**DMR Response:** *The Department supports the suggested change to move the eastern boundary of the proposed East Moosabec Reach Targeted Closure from Perio Point and renaming it the Beals-Jonesport Bridge Targeted Closure. However, for enforcement reasons, the line will go from the most eastern tip of Perio Point on Beals across to the "stack" identified on NOAA charts on the opposite shore in Jonesport. The Department also commends the commenters for suggesting that instead of reverting that area to open bottom, that it would be best to make it a Limited Access Area [East Moosabec Reach Limited Access Area] with fishing limited to one day per week. Suggestions such as this are not only constructive, but also they reflect the conservation ethic held amongst harvesters in this area.*



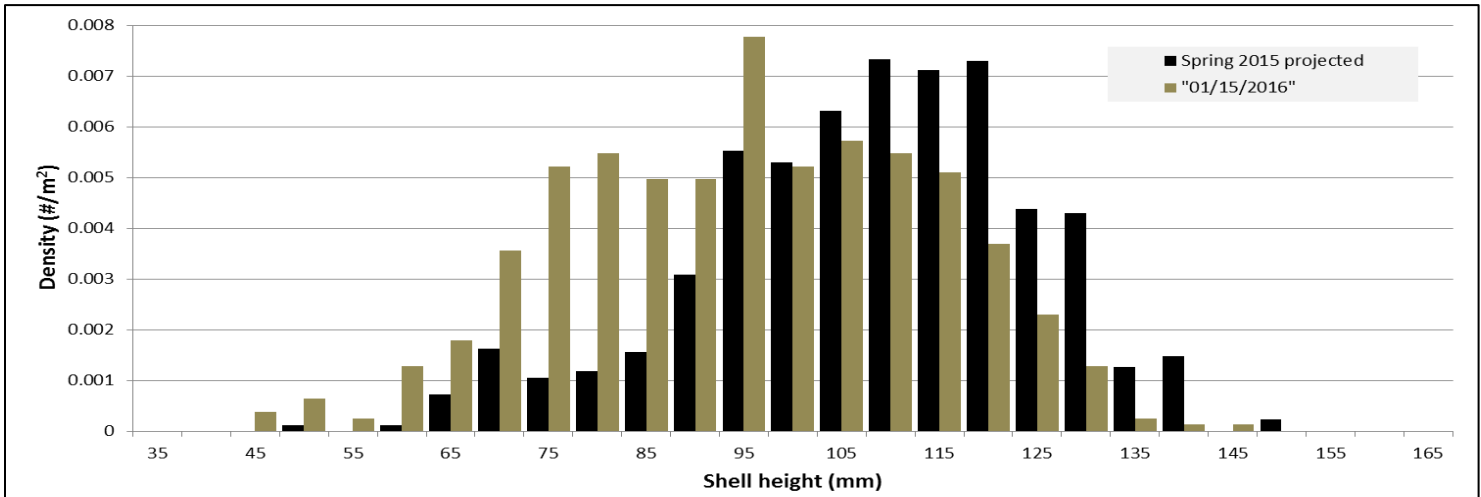
**LIMITED ACCESS AREAS**

*Opposed*

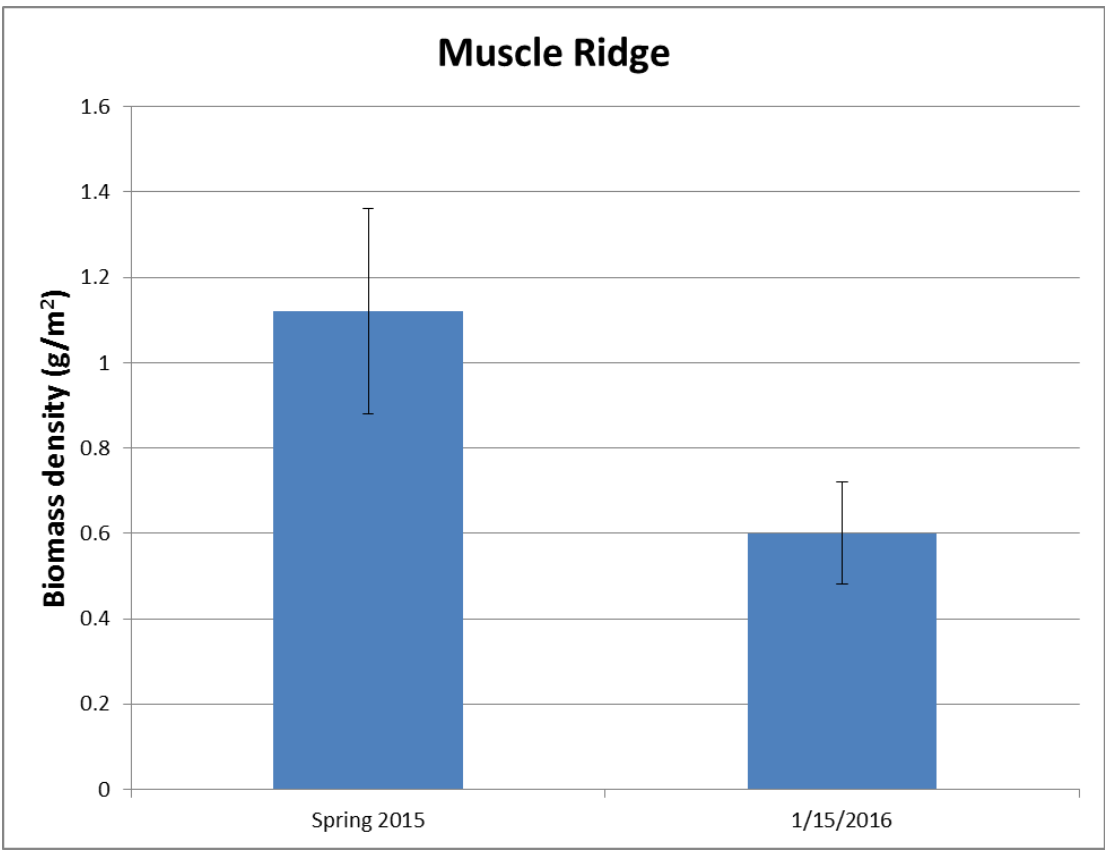
**Doug McLennan, Zone 1 dragger, Chebeague Island; comment received at Wiscasset public hearing:** suggested a change in the Muscle Ridge Area. He suggested that the Limited Access Area day [proposed as Mondays for draggers; Thursdays and Saturdays for divers] should not be the same day as a Muscle Ridge Area day [proposed as Mondays and Tuesdays for dragger; Wednesday and Friday to divers].

**DMR Response:** The Department’s intent was to have the Muscle Ridge Area open on the same day as the Limited Access Area to disperse effort and spread out the fleet. Last season both the Muscle Ridge Area and the West Penobscot Bay Limited Access Area closed on January 22, 2016 via emergency regulation. In the Muscle Ridge Area, the DMR in-season survey conducted on January 15, 2016, scallop tows reflected the lowest scallop biomass densities observed by the fishery independent survey of  $0.60 \text{ g/m}^2$ ; this was a decrease of 46%, which exceeded the 30% harvest target, compared to the 2015 spring survey observations for this area which were  $1.12 \text{ g/m}^2$  (Figure 1 & 2). In the West Penobscot Bay Limited Access Area, that same survey observed the second lowest scallop biomass density estimates that season ( $0.61 \text{ g/m}^2$ ) with very little sublegal scallops being observed indicating that successful spawning may be hindered due to the low level of legal sized, spat producing scallops in this area (Figure 3). With less than one year to rebuild, it is very likely that

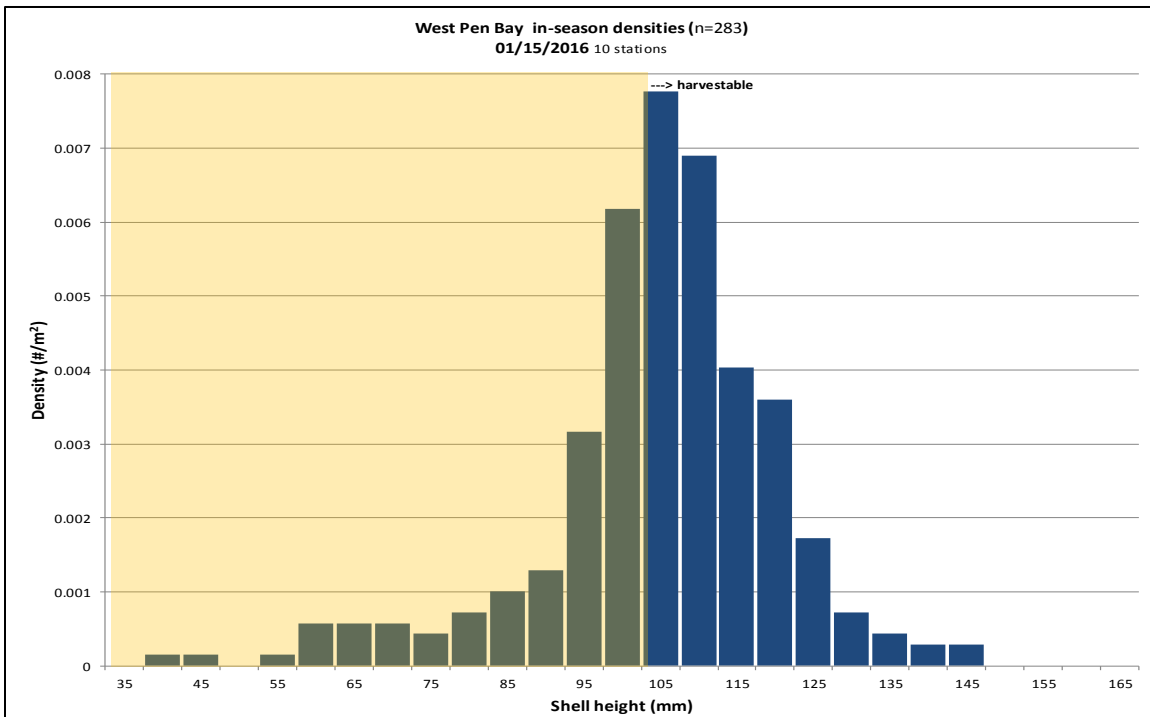
scallop densities in both of these areas remain low. Therefore, the Department considered not opening either of these areas in the 2016-17 season. However, based on input received over the summer at meetings hosted with fishermen from the area, the Department struck a balance by allowing the areas to open on a limited basis in the upcoming season, with Muscle Ridge Area open for two days a week in December, and then concurrently with the West Pen Bay Limited Access Area which opens on January 2, 2017. This was done with the intent to provide a more stable season in the area to fishermen with the intent of possibly delaying anticipated in-season closures of both areas to later in the season, if needed, based on effort. Additional resources will be made available in the coming season to conduct additional in-season survey work in both areas to ensure that it is not overfished.



**Figure 1. Shell height frequency of scallop observed in spring 2015 survey and the January 15, 2016 DMR in-season survey, reflecting a decline in legal sized scallops (>101.5mm).**



**Figure 2. Biomass density estimates of scallop observed in spring 2015 survey and the January 15, 2016 DMR in-season survey, reflecting a decline of 46%.**



**Figure 3. Shell height frequency of scallop observed in the January 15, 2016 DMR in-season survey, reflecting very low levels of sublegal scallops (shaded in yellow) and low levels of harvestable sized scallops (>101.5mm).**

**James West, Zone 2 dragger, Jonesport; comment received at Ellsworth public hearing:** Asked why the divers get more Limited Access Area days than draggers.

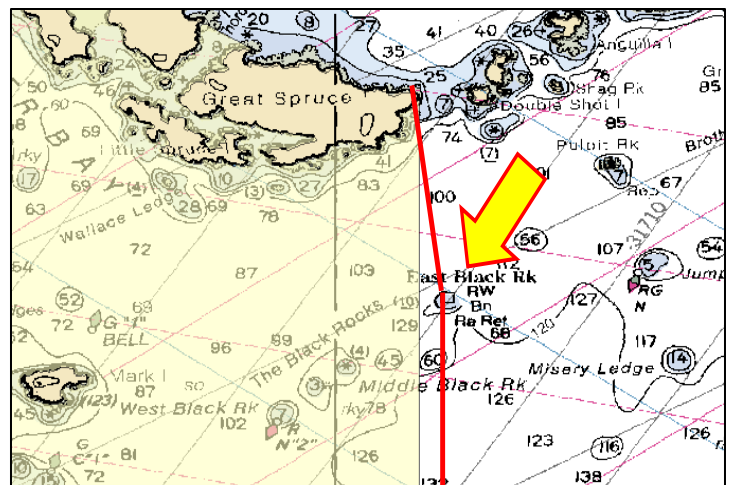
**Robbie Gray, Zone 2 dragger, Jonesport; comment received at Ellsworth public hearing:** Comment in opposition of divers getting extra days in the Limited Access Areas.

**DMR Response:** In an effort to provide for more flexibility and safer access to the fishery this season, the Department proposed dive calendars that placed the majority of the days earlier in the season in December and later in the season in March and April when the weather was better in both Zone's 1 & 2. In addition, because the Limited Access Areas often are closed in-season via emergency regulation due to the removals of the drag component of the fleet, the Department has provided additional days in the Limited Access Areas earlier in the season as it is not likely that they will get all their days in due to emergency closures, while the draggers will gain access to the Limited Access Areas starting in January.

**ROTATIONAL MANAGEMENT**

*Neutral*

**Jason Leavitt, Marine Patrol Office; comment received via email:** I would like to see the eastern line of the Chandler bay area, go from the eastern most point of great spruce island south to the day board at east black rock, and then due south etc. That would give me two points in that channel that I could line up and address people working over that line, it's not perfect but it's better than nothing. I could take a picture from great spruce and have a reference on the water that would show a boat in the closed area. Thanks



*DMR Response: The Department will amend the eastern boundary of the Chandler Bay/Head Harbor Island rotational area and the western boundary of the Little Kennebec/Englishman Bay rotational management area, as the two areas share that boundary line, as it will increase the enforceability of this boundary for Marine Patrol.*

## **GENERAL COMMENTS**

**Kevin Durkee, Zone 2 Dragger, Jonesport; comment received via email:** This proposal is meant to reduce the number of lobster fishermen that take advantage of the easy money at the beginning of the scallop season. Lobstermen on the scallop counsel have already adjusted the startup date from November to December in order to get the most out of their lobster season and allows them time to get their traps up and rig their boats for scallops and or sea urchins. The Owner Operator proposal may help some by reducing the larger outfits that own several boats from hiring men who possess a scallop or sea urchin license. Most of these people that are hired have a boat that they lobster fish from and can and will rig it for scallop fishing if Owner Operator goes into effect. When I started in this industry, I was able to drag scallops from November to April. The price of scallops was just over \$6.00 a pound. After a bad year, the price of scallops shot up to almost double. Because of the successful area closures the scallops have come back strong. The problem it causes is, when a closed area opens it is sure to be abundant with product. Rather than searching for a nice scallop bed, all the boats will concentrate on these areas that guarantee their daily limit swiftly. This encourages every man that owns a boat to rig it up. So these lobster men that have earned their years living in the summer are going after the easy money of the first months of scallop season. What I'm trying to say is, unlike myself and others like me that possess only a scallop license, lobster men aren't hurt by closures or shortened seasons. My proposal is to implement a law that requires all fishermen to choose what is to be their primary source of income and will purchase a primary license and all other licenses will then become secondary licenses. Fishermen who possess a primary license will fish the full season with that license, and those fishermen who hold a secondary license or licenses will be limited the last month of the season, or one day a week throughout the season, or one 5 gallon bucket limit per day. My proposal will benefit those of us that rely on scallops as our primary source of income, as well as discouraging others who don't rely on it resulting in much less stress on the industry.

*DMR Response: Diversification of the resource base in coastal communities along the Maine coast is one of the top priorities of the Department and therefore rebuilding the fishery to support the current license holders has been the first step towards that effort. With increases in the resource abundance, historically high scallop prices (>\$12/lb.) and the moratorium on the shrimp fishery, many fishermen who have maintained their licenses by paying annual fees and submitting logbook reports have recently re-entered the scallop fishery. Understandably, fishermen are always going to want to optimize their profits from the resource, and will target areas of high abundance at the first of the season. The commenter's suggestion of a "tiered" license system which partitions licenses either by primary/secondary fishery or full time/part time or even a lower tier for new entrants has been discussed in past Scallop Advisory Council meetings. This idea has not gotten support from industry and the current system which is set up to allow all license holders equitable access from the start of the season has been the preferred approach, with the Department taking in-season actions to close areas which reach their harvest target prior to the end of the season. Having a tiered approach may also prove to be an enforcement challenge as resource users would be operating under different management measures. The Department has balanced this with an effort to leave some offshore bottom open later in the season that have not been targeted. It could also be said that those license holders were contributing to the monitoring and management of the resource by paying for their licenses in years they did not use them while putting no pressure on the rebuilding fishery. It is the Departments and the overall industries intent to have broad participation in this fishery, providing for diversity in fishing businesses and increased resilience amongst coastal communities in the face of a changing climate and unknown effects on our natural resource base. Finally, the timeframe restriction of December 1 to April 15 was implemented in law by the Legislature with the intent to minimize gear conflict between the fixed lobster gear and mobile scallop drag gear fisheries.*

*There are some lobstermen who choose to continue to fish for lobsters well into January before switching over to scallop fishing.*

**Gary Libby, commercial fishermen, Port Clyde; comment received via email:** I'm happy that there will be a scallop season for some fishermen. The reason for commenting is I'm asking when will there be the same opportunity for others to participate in the scallop fishery. I'm also wondering why scallop is closed to the outside fishermen or non-licensed and the state approves this by allowing a season with low stock levels, it must be because of the high dollar value of scallop. I'm would like to know why our state is in favor of continuing to have seasons in scallop, with what I think is a limited entry program and when it we had discussions about limited entry in shrimp the state was against the idea. I think the licensing issue need to be fixed a system that favors some fishermen over another isn't fair and something that our law makers need to address. Maybe if the daily landing limit was lower and or changing days out. I would just like an opportunity to work and pay the bills it not a gold rush Thank you for the opportunity to share my thoughts on this issue

**DMR Response:** *The Department supports implementing an Owner-operator requirement in both the scallop and the urchin fisheries. The intention for this is dual: to ensure that there are stakeholders who are responsible for their actions and have an investment in the fishery, as well as to lay the groundwork for moving forward with some form of a limited entry mechanism to the fishery. Since 2009, the Department has invested a tremendous amount of manpower and valuable resources into rebuilding this fishery. It has also balanced allowing a limited fishery with increasing participation from licenses holders who have recently come back into the fishery. Using an adaptive approach which includes in-season adjustments based on fishing effort, the fishery has grown in landings and value, while participation has grown. However, many more people wish to participate in the fishery and should the owner-operator requirement be implemented, meetings will follow that will be aimed at formulating a limited entry program. We encourage you to participate at both this upcoming Legislative session as well as the meetings which will follow later in the year which will allow for public input to be gathered and considered in the crafting of this program.*