

**NOTICE OF AGENCY RULE-MAKING ADOPTION**

**AGENCY:** Department of Marine Resources

**CHAPTER NUMBER AND TITLE:** Chapter 26; Sea Urchin 2019-2020 Season

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

**CONCISE SUMMARY:**  
This regulation would establish open harvest days and tote limits for the taking of sea urchins by divers, rakers, trappers, and draggers in Zones 1 and 2 for the 2019-2020 season. For Zone 1, seasons are proposed for divers, trappers, rakers and draggers in 2019-2020, from which harvesters may only fish up to 15 days of their choosing, the same number of days allowed during the 2018-2019 season, while the number of opportunity days is increased. For Zone 1, the proposed daily tote limit is nine (9) which is 3 totes lower than the 2018-2019 season. For Zone 2, 40-day seasons are proposed for divers, trappers, rakers and draggers in 2019-2020, from which harvesters may only fish up to 30 days of their choosing. This proposal reduces the fishing days by eight days and opportunity days by five days from the 2018-2019 season. For the Whiting & Dennys Bays Limited Access Area in Zone 2, a 15-day season is proposed for Zone 2 divers, trappers, rakers and draggers in 2019-2020. For Zone 2, the proposed daily tote limit is six (6) which is one fewer than the 2018-2019 season.

**EFFECTIVE DATE:**  
(LEAVE BLANK-ASSIGNED BY SECRETARY OF STATE)

**AGENCY CONTACT PERSON:** Amanda Ellis  
**AGENCY NAME:** Department of Marine Resources  
**ADDRESS:** 21 State House Station  
Augusta, Maine 04333  
**WEB SITE:** <https://www.maine.gov/dmr/rulemaking>  
**E-MAIL:** [dmr.rulemaking@maine.gov](mailto:dmr.rulemaking@maine.gov)  
**TELEPHONE:** (207) 624-6573  
**FAX:** (207) 624-6024  
**TTY:** (207) 633-9500 (Deaf/Hard of Hearing)

*Please approve bottom portion of this form and assign appropriate MFASIS number.*

APPROVED FOR PAYMENT _____					DATE: _____
FUND	AGENCY	S-UNIT	APP	OBJT	AMOUNT
010	13A	1120	10	4946	regulations

*Please forward invoice to: Natural Resource Service Center, 155 SHS, Augusta*

DEPARTMENT OF MARINE RESOURCES

Chapter 26 - Sea Urchin Regulations

26.07 Sea Urchin Harvesting Season ~~2018-2019~~ 2019-2020 pursuant to 12 M.R.S. §6749. Harvesters ~~have the ability to~~ may choose 15 of the ~~potential 20~~ available days in Zone 1 and ~~33~~30 of the potential ~~45~~40 available days in Zone 2.

1. Zone 1 [as defined by 12 M.R.S. §6749-N(1)]. Harvesters ~~have the flexibility to~~ may choose 15 of the ~~potential 20~~ available fishing days.

A. Early season for divers, trappers and rakers

The Zone 1 season for divers, trappers and rakers who have certified the early season on forms provided by the Commissioner, is open ~~September 1, 4, 5, 6, 7, 10, 11, 13, 14, 17, 18, 20, 21, 24, 25, 27, and 28, 2018~~ September 3, 4, 5, 6, 9, 10, 11, 12, 13, 16, 17, 18, 19, 20, 23, 24, 25, 26, 27, and 30, 2019; and ~~October 1, 2 and 3, 2018~~ October 1, 2, 3, 4, 7, 8, 9, 10, 11, 14, 15, 16, 17, 18, 21, 22, 23, 24, 25, 28, 29, 30, and 31, 2019. Divers, trappers, and rakers may fish no more than 15 of these days.

B. Late season for divers, trappers and rakers

The Zone 1 season for divers, trappers and rakers who have certified the late season on forms provided by the Commissioner, is open ~~December 3, 4, 5, 10, 11, 12, 17, 18, 19, 27 and 28, 2018; and, January 28, 29, and 30, 2019~~ December 2, 3, 4, 5, 6, 9, 10, 11, 12, 13, 16, 17, 18, 19, 20, 23, 24, 26, 27, 30, and 31, 2019; January 2, 3, 6, 7, 8, 9, 10, 13, 14, 15, 16, 17, 20, 21, 22, 23, 24, 27, 28, 29, 30, and 31, 2020 and February 3, 4, 5, 6, 7, 10, 11, 12, 13, 14, 17, 18, 19, 20, 21, 24, 25, 26, 27, and 28, 2020; and ~~February 4, 5, 11, 12, 18 and 19, 2019.~~ Divers, trappers, and rakers may fish no more than 15 of these days.

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

The Zone 1 season for draggers ~~who have certified the early season on forms provided by the Commissioner,~~ is open ~~December 1, 3, 4, 5, 6, 10, 11, 12, 13, 14, 17, 18, 19, 20, 21, 26, 27, 28, 29 and 31, 2018~~ December 2, 3, 4, 5, 6, 9, 10, 11, 12, 13, 16, 17, 18, 19, 20, 23, 24, 26, 27, 30, and 31, 2019; January 2, 3, 6, 7, 8, 9, 10, 13, 14, 15, 16, 17, 20, 21, 22, 23, 24, 27, 28, 29, 30, 31, 2020; and February 3, 4, 5, 6, 7, 10, 11, 12, 13, 14, 17, 18, 19, 20, 21, 24, 25, 26, 27, and 28, 2020. Draggers may fish no more than 15 of these days.

~~D. D.~~ D. Late season for draggers [in accordance with 12 M.R.S. §6749-V]

The Zone 1 season for draggers ~~who have certified the late season on forms provided by the Commissioner,~~ is open ~~Wednesdays, Thursdays and Fridays in February, 2019; and, March 1, 4, 5, 6, 7, 11, 12 and 13, 2019.~~ Draggers may fish no more than 15 of these days.

~~E.D.~~ E.D. Designation of Zone 1 early or late season:

- (1) A ~~person diver, trapper or raker~~ who holds a sea urchin harvesting license for Zone 1 may not harvest sea urchins in Zone 1 unless that person certifies on forms provided by the Commissioner that the person will fish for or take sea urchins during either the early season or the late season.

- (2) Divers, trappers and rakers who have certified the early or late season may, between May 1<sup>st</sup> and August 15<sup>th</sup> change that certification to the other time period as the time period in which that person will fish for or take sea urchins.
- ~~(3) Draggers who have certified the early or late season may, between May 1<sup>st</sup> and November 15<sup>th</sup> change that certification to the other time period as the time period in which that person will fish for or take sea urchins.~~
2. Zone 2 [as defined by 12 M.R.S. §6749-N(2)]. Harvesters ~~have the flexibility to~~ may choose ~~38-30~~ of the potential ~~45-40~~ days.

A. Early season for divers, trappers and rakers

The Zone 2 season for divers, trappers and rakers who have certified the early season on forms provided by the Commissioner, is open September 24, 25, and 26, 2019; October 1, 2, 8, 9, 15, 16, 17, 22, 23, 24, 29, 30, and 31, 2019; November 5, 6, 7, 12, 13, 14, 19, 20, 21, 26, and 27, 2019; and December 3, 4, 5, 10, 11, 12, 17, 18, 19, 20, 26, 30, and 31, 2019. ~~September 18, 19, 20, 25, 26 and 27, 2018; and, all Tuesdays, Wednesdays and Thursdays in October, 2018; and, November 1, 6, 7, 8, 13, 14, 15, 19, 20, 21, 27, 28, and 29, 2018; and, December 4, 5, 6, 11, 12, 13, 18, 19, 20, 21, 27 and 28, 2018.~~ Divers, trappers, and rakers may fish no more than ~~38-30~~ of these days.

B. Late season for divers, trappers and rakers

The Zone 2 season for divers, trappers and rakers who have certified the late season on forms provided by the Commissioner, is open December 3, 4, 5, 10, 11, 12, 17, 18, 19, 26, and 27, 2019; January 2, 7, 8, 9, 14, 15, 16, 21, 22, 28, 29, and 30, 2020; February 4, 5, 6, 11, 12, 13, 18, 19, 25, 26, and 27, 2020; and March 3, 4, 5, 10, 11, and 12, 2020. ~~December 4, 5, 6, 11, 12, 13, 18, 19, 20, 27 and 28, 2018; and, Tuesdays, Wednesdays and Thursdays in January and February 2019, except Tuesday, January 1, 2019 shall be closed; and, March 5, 6, 7, 12, 13, 14, 19 and 20, 2019.~~ Divers, trappers, and rakers may fish no more than ~~38-30~~ of these days.

C. Early season for draggers

The Zone 2 season for draggers who have certified the early season on forms provided by the Commissioner, is open Tuesdays, Wednesdays, and Thursdays in October, ~~2018~~2019, and Tuesdays, Wednesdays, and Thursdays in November ~~2018~~2019, except Thursday, November ~~22-28~~ shall be closed; and Wednesdays and Thursdays in December, and December 27 2019, except Wednesday December 25 shall be closed ~~4, 5, 6, 11, 12, 13, 18, 19, 20, 21, 27 and 28, 2018; and January 2, 3, 8, 9, 10, 15, and 16, 2019~~2020. Draggers may fish no more than ~~38-30~~ of these days.

D. Late season for draggers

The Zone 2 season for draggers who have certified the late season on forms provided by the Commissioner, is open December 3, 4, 5, 10, 11, 12, 17, 18, 19, 26, and 27, 2019; January 2, 7, 8, 9, 14, 15, 16, 21, 22, 28, 29, and 30, 2020; February 4, 5, 6, 11, 12, 13, 18, 19, 25, 26, and 27, 2020; and March 3, 4, 5, 10, 11, and 12, 2020. ~~December 4, 5, 6, 11, 12, 13, 18, 19, 20, 27 and 28, 2018; and Tuesdays, Wednesdays and Thursdays in January and February, 2019, except Tuesday, January 1, 2019 shall be closed; and, March 5, 6, 7, 12, 13, 14, 19 and 20, 2019.~~ Draggers may fish no more than ~~38-30~~ of these days.

E. Designation of Zone 2 early or late season:

- (1) A person who holds a sea urchin harvesting license for Zone 2 may not harvest sea urchins in Zone 2 unless that person certifies on forms provided by the Commissioner that the person will fish for or take sea urchins during either the early season or the late season.
- (2) A person who has certified the early or late season may, between May 1<sup>st</sup> and August 15<sup>th</sup> change that certification to the other time period as the time period in which that person will fish for or take sea urchins.

#### 26.19 Limited Access Areas:

##### Transiting exception:

Any vessel possessing urchins onboard, may transit the Limited Access Area, only if the vessel has all fishing gear (dredges, drags, regulators, buoyancy compensators, fins, tanks, weight belts) securely stowed. Securely stowed shall mean the main wire shall not be shackled or connected to the dredges or drags, and the towing swivel will be at the block or on the winch for draggers, while regulators, buoyancy compensators and tanks should be disconnected with fins and weight belts removed for divers.

(1) Whiting and Denny's Bay Area (Zone 2). Harvesters may choose up to 15 days of the following applicable season open days for the Whiting and Denny's Bay limited access area to fish within their ~~38~~ 30 days available for harvest.

##### A. Early season for divers, trappers and rakers

It shall be unlawful to fish for, take, or possess urchins west of a line starting at the western end of Mahar Point, Pembroke, due south to the nearest point of land on Crow Neck, Trescott, to include all of Whiting and Denny's Bay except by divers, trappers, and rakers who have certified the early season on forms provided by the Commissioner, on ~~Thursdays in September 25 and 26, October 15, 17, 22, 24, and 31, November 7, 14, 21, and 27 and Thursdays in December 2018-2019.~~ Thursdays in September 25 and 26, October 15, 17, 22, 24, and 31, November 7, 14, 21, and 27 and Thursdays in December 2019-2020. ~~except September 6, 2018 and November 22, 2018, which shall be closed.~~

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

It shall be unlawful to fish for, take, or possess urchins west of a line starting at the western end of Mahar Point, Pembroke, due south to the nearest point of land on Crow Neck, Trescott, to include all of Whiting and Denny's Bay except by divers, trappers and rakers who have certified the late season on forms provided by the Commissioner, on ~~Thursdays in December 2018-2019, and Thursdays in January, February, and March, 2019-2020, and January 21 and February 18,~~ Thursdays in December 2019-2020, and Thursdays in January, February, and March, 2020-2021, and January 21 and February 18, ~~except January 23, February 20, and March 21-19 and 28-26, 2019-2020, which shall be closed.~~

C. Early season for draggers

It shall be unlawful to fish for, take, or possess urchins west of a line starting at the western end of Mahar Point, Pembroke, due south to the nearest point of land on Crow Neck, Trescott, to include all of Whiting and Denny's Bay except by draggers who have certified the early season on forms provided by the Commissioner, on Wednesdays in October, November and December ~~2018~~ 2019, except December 25, which shall be closed; and ~~Wednesdays, in January~~ January 3, 8, and 15, 2019-2020, except December 26, 2018 and January 23 and 30, 2019 which shall be closed.

D. Late season for draggers

It shall be unlawful to fish for, take, or possess urchins west of a line starting at the western end of Mahar Point, Pembroke, due south to the nearest point of land on Crow Neck, Trescott, to include all of Whiting and Denny's Bay except by draggers who have certified the late season on forms provided by the Commissioner, on Wednesdays in December, ~~2018-2019, except December 25,~~ which shall be closed; and Wednesdays in January, except January 1, 2020, ~~which shall be closed;~~ February and March, ~~2019-2020, and March 3, 4, 10 and 11, 2020.~~ except March 20 and 27 are closed.

26.40 Tote Limits

1. Zone 1

It is unlawful for Zone 1 sea urchin divers, rakers or trappers to fish for, take or possess more than ~~twelve (12)~~ nine (9) standard size stackable fish totes of sea urchins per day in Maine's territorial waters. A standard size stackable fish tote is defined as 28" Long x 16" Wide x 11" Deep when measured inside at the shelf level.

It is unlawful for Zone 1 drag vessels to fish for, take or possess more than ~~twelve (12)~~ nine (9) standard size stackable fish totes of sea urchins per day in Maine's territorial waters. A standard size stackable fish tote is defined as 28" Long x 16" Wide x 11" Deep when measured inside at the shelf level.

2. Zone 2

It is unlawful for Zone 2 sea urchin divers, rakers or trappers to fish for, take or possess more than ~~seven (7)~~ six (6) standard size stackable fish totes of sea urchins per day in Maine's territorial waters. A standard size stackable fish tote is defined as 28" Long x 16" Wide x 11" Deep when measured inside at the shelf level.

It is unlawful for Zone 2 drag vessels to fish for, take or possess more than ~~seven (7)~~ six (6) standard size stackable fish totes of sea urchins per day in Maine's territorial waters. A standard size stackable fish tote is defined as 28" Long x 16" Wide x 11" Deep when measured inside at the shelf level.

### 3. Implementation

It is unlawful to offload sea urchins, or any parts of sea urchins, and then return to fishing for sea urchins the same day in Maine's territorial waters. In addition, it is unlawful to transfer sea urchins, or any parts of sea urchins to or from another vessel at sea, except for tender vessels transiting to primary vessels during diving operations.

It is unlawful for a dealer to purchase more than ~~twelve (12)~~ nine (9) standard size stackable fish totes from one licensed Zone 1 harvester per day.

It is unlawful for a dealer to purchase more than ~~seven (7)~~ six (6) standard size stackable fish totes from one licensed Zone 2 harvester per day.

Standard size stackable fish totes, with respect to the urchin fishery, means totes shall not be filled with sea urchins in a manner which prevents them from being stacked one on top of the other as designed. The bottom of one tote shall rest on the shelves of the tote below.

# 2019 – 2020 Sea Urchin Season for Maine Zone 1

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

**O** = Open    **□** = Closed

## Early Season for Divers, Rakers, and Trappers

September 2019							October 2019						
S	M	Tu	W	Th	F	S	S	M	Tu	W	Th	F	S
1	2	3	4	5	6	7			1	2	3	4	5
		O	O	O	O				O	O	O	O	
8	9	10	11	12	13	14	6	7	8	9	10	11	12
	O	O	O	O	O		O	O	O	O	O	O	
15	16	17	18	19	20	21	13	14	15	16	17	18	19
	O	O	O	O	O		O	O	O	O	O	O	
22	23	24	25	26	27	28	20	21	22	23	24	25	26
	O	O	O	O	O		O	O	O	O	O	O	
29	30						27	28	29	30	31		
	O						O	O	O	O			

## Late season for Divers, Rakers, and Trappers

December 2019							January 2020							February 2020						
S	M	Tu	W	Th	F	S	S	M	Tu	W	Th	F	S	S	M	Tu	W	Th	F	S
1	2	3	4	5	6	7				1	2	3	4							1
	O	O	O	O	O					O	O									
8	9	10	11	12	13	14	5	6	7	8	9	10	11	2	3	4	5	6	7	8
	O	O	O	O	O		O	O	O	O	O	O		O	O	O	O	O	O	
15	16	17	18	19	20	21	12	13	14	15	16	17	18	9	10	11	12	13	14	15
	O	O	O	O	O		O	O	O	O	O	O		O	O	O	O	O	O	
22	23	24	25	26	27	28	19	20	21	22	23	24	25	16	17	18	19	20	21	22
	O	O	O	O	O		O	O	O	O	O	O		O	O	O	O	O	O	
29	30	31					26	27	28	29	30	31		23	24	25	26	27	28	29
	O	O					O	O	O	O	O			O	O	O	O	O	O	

## Dragging Season

December 2019							January 2020							February 2020						
S	M	Tu	W	Th	F	S	S	M	Tu	W	Th	F	S	S	M	Tu	W	Th	F	S
1	2	3	4	5	6	7				1	2	3	4							1
	O	O	O	O	O					O	O									
8	9	10	11	12	13	14	5	6	7	8	9	10	11	2	3	4	5	6	7	8
	O	O	O	O	O		O	O	O	O	O	O		O	O	O	O	O	O	
15	16	17	18	19	20	21	12	13	14	15	16	17	18	9	10	11	12	13	14	15
	O	O	O	O	O		O	O	O	O	O	O		O	O	O	O	O	O	
22	23	24	25	26	27	28	19	20	21	22	23	24	25	16	17	18	19	20	21	22
	O	O	O	O	O		O	O	O	O	O	O		O	O	O	O	O	O	
29	30	31					26	27	28	29	30	31		23	24	25	26	27	28	29
	O	O					O	O	O	O	O			O	O	O	O	O	O	

# 2019 – 2020 Sea Urchin Season for Maine Zone 2

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

**O** = Open    **□** = Closed

## Early Season for Divers, Rakers, and Trappers

September 2019							October 2019							November 2019							December 2019						
S	M	Tu	W	Th	F	S	S	M	Tu	W	Th	F	S	S	M	Tu	W	Th	F	S	S	M	Tu	W	Th	F	S
1	2	3	4	5	6	7			1	2	3	4	5						1	2	1	2	3	4	5	6	7
8	9	10	11	12	13	14	6	7	8	9	10	11	12	3	4	5	6	7	8	9	8	9	10	11	12	13	14
15	16	17	18	19	20	21	13	14	15	16	17	18	19	10	11	12	13	14	15	16	15	16	17	18	19	20	21
22	23	24	25	26	27	28	20	21	22	23	24	25	26	17	18	19	20	21	22	23	22	23	24	25	26	27	28
29	30						27	28	29	30	31			24	25	26	27	28	29	30	29	30	31				

## Late Season for Divers, Rakers, and Trappers

December 2019							January 2020							February 2020							March 2020						
S	M	Tu	W	Th	F	S	S	M	Tu	W	Th	F	S	S	M	Tu	W	Th	F	S	S	M	Tu	W	Th	F	S
1	2	3	4	5	6	7				1	2	3	4							1	1	2	3	4	5	6	7
8	9	10	11	12	13	14	5	6	7	8	9	10	11	2	3	4	5	6	7	8	8	9	10	11	12	13	14
15	16	17	18	19	20	21	12	13	14	15	16	17	18	9	10	11	12	13	14	15	15	16	17	18	19	20	21
22	23	24	25	26	27	28	19	20	21	22	23	24	25	16	17	18	19	20	21	22	22	23	24	25	26	27	28
29	30	31					26	27	28	29	30	31		23	24	25	26	27	28	29	29	30	31				

## Early Season for Draggers

October 2019							November 2019							December 2019							January 2020						
S	M	Tu	W	Th	F	S	S	M	Tu	W	Th	F	S	S	M	Tu	W	Th	F	S	S	M	Tu	W	Th	F	S
		1	2	3	4	5						1	2	1	2	3	4	5	6	7				1	2	3	4
6	7	8	9	10	11	12	3	4	5	6	7	8	9	8	9	10	11	12	13	14	5	6	7	8	9	10	11
13	14	15	16	17	18	19	10	11	12	13	14	15	16	15	16	17	18	19	20	21	12	13	14	15	16	17	18
20	21	22	23	24	25	26	17	18	19	20	21	22	23	22	23	24	25	26	27	28	19	20	21	22	23	24	25
27	28	29	30	31			24	25	26	27	28	29	30	29	30	31					26	27	28	29	30	31	

## Late Season for Draggers

December 2019							January 2020							February 2020							March 2020						
S	M	Tu	W	Th	F	S	S	M	Tu	W	Th	F	S	S	M	Tu	W	Th	F	S	S	M	Tu	W	Th	F	S
1	2	3	4	5	6	7				1	2	3	4							1	1	2	3	4	5	6	7
8	9	10	11	12	13	14	5	6	7	8	9	10	11	2	3	4	5	6	7	8	8	9	10	11	12	13	14
15	16	17	18	19	20	21	12	13	14	15	16	17	18	9	10	11	12	13	14	15	15	16	17	18	19	20	21
22	23	24	25	26	27	28	19	20	21	22	23	24	25	16	17	18	19	20	21	22	22	23	24	25	26	27	28
29	30	31					26	27	28	29	30	31		23	24	25	26	27	28	29	29	30	31				



# 2019 – 2020 Sea Urchin Season for Maine Zone 2 for Whiting & Dennys Bays Limited Access Area

**O** = Open    **□** = Closed

## Early Season for Divers, Rakers and Trappers

September 2019							October 2019						November 2019							December 2019							
S	M	Tu	W	Th	F	S	S	M	Tu	W	Th	F	S	S	M	Tu	W	Th	F	S	S	M	Tu	W	Th	F	S
1	2	3	4	5	6	7			1	2	3	4	5						1	2	1	2	3	4	5	6	7
8	9	10	11	12	13	14	6	7	8	9	10	11	12	3	4	5	6	7	8	9	8	9	10	11	12	13	14
15	16	17	18	19	20	21	13	14	15	16	17	18	19	10	11	12	13	14	15	16	15	16	17	18	19	20	21
22	23	24	25	26	27	28	20	21	22	23	24	25	26	17	18	19	20	21	22	23	22	23	24	25	26	27	28
29	30						27	28	29	30	31			24	25	26	27	28	29	30	29	30	31				

## Late Season for Divers, Rakers and Trappers

December 2019							January 2020							February 2020							March 2020						
S	M	Tu	W	Th	F	S	S	M	Tu	W	Th	F	S	S	M	Tu	W	Th	F	S	S	M	Tu	W	Th	F	S
1	2	3	4	5	6	7				1	2	3	4							1	1	2	3	4	5	6	7
8	9	10	11	12	13	14	5	6	7	8	9	10	11	2	3	4	5	6	7	8	8	9	10	11	12	13	14
15	16	17	18	19	20	21	12	13	14	15	16	17	18	9	10	11	12	13	14	15	15	16	17	18	19	20	21
22	23	24	25	26	27	28	19	20	21	22	23	24	25	16	17	18	19	20	21	22	22	23	24	25	26	27	28
29	30	31					26	27	28	29	30	31		23	24	25	26	27	28	29	29	30	31				

## Early Season for Draggers

October 2019							November 2019							December 2019							January 2020						
S	M	Tu	W	Th	F	S	S	M	Tu	W	Th	F	S	S	M	Tu	W	Th	F	S	S	M	Tu	W	Th	F	S
		1	2	3	4	5						1	2	1	2	3	4	5	6	7				1	2	3	4
6	7	8	9	10	11	12	3	4	5	6	7	8	9	8	9	10	11	12	13	14	5	6	7	8	9	10	11
13	14	15	16	17	18	19	10	11	12	13	14	15	16	15	16	17	18	19	20	21	12	13	14	15	16	17	18
20	21	22	23	24	25	26	17	18	19	20	21	22	23	22	23	24	25	26	27	28	19	20	21	22	23	24	25
27	28	29	30	31			24	25	26	27	28	29	30	29	30	31					26	27	28	29	30	31	

## Late Season for Draggers

December 2019							January 2020							February 2020							March 2020						
S	M	Tu	W	Th	F	S	S	M	Tu	W	Th	F	S	S	M	Tu	W	Th	F	S	S	M	Tu	W	Th	F	S
1	2	3	4	5	6	7				1	2	3	4							1	1	2	3	4	5	6	7
8	9	10	11	12	13	14	5	6	7	8	9	10	11	2	3	4	5	6	7	8	8	9	10	11	12	13	14
15	16	17	18	19	20	21	12	13	14	15	16	17	18	9	10	11	12	13	14	15	15	16	17	18	19	20	21
22	23	24	25	26	27	28	19	20	21	22	23	24	25	16	17	18	19	20	21	22	22	23	24	25	26	27	28
29	30	31					26	27	28	29	30	31		23	24	25	26	27	28	29	29	30	31				

## **Basis Statement**

This regulation would establish open harvest days and tote limits for the taking of sea urchins by divers, rakers, trappers, and draggers in Zones 1 and 2 for the 2019-2020 season. For Zone 1, seasons are proposed for divers, trappers, rakers and draggers in 2019-2020, from which harvesters may only fish up to 15 days of their choosing, the same number of days allowed during the 2018-2019 season, while the number of opportunity days is increased. For Zone 1, the proposed daily tote limit is nine (9) which is 3 totes lower than the 2018-2019 season. For Zone 2, 40-day seasons are proposed for divers, trappers, rakers and draggers in 2019-2020, from which harvesters may only fish up to 30 days of their choosing. This proposal reduces the fishing days by eight days and opportunity days by five days from the 2018-2019 season. For the Whiting & Dennys Bays Limited Access Area in Zone 2, a 15-day season is proposed for Zone 2 divers, trappers, rakers and draggers in 2019-2020. For Zone 2, the proposed daily tote limit is six (6) which is one fewer than the 2018-2019 season.

Based on comments received during the proposed rulemaking, the Department has made the following modifications:

- Errors between the text and the calendars were addressed per the comment supplied by Margaret Hunter.

## Summary of Comments

Notice of this proposed rulemaking appeared on May 22, 2019 in the five major daily newspapers as published by the Secretary of State. On May 23, 2019, the rule was posted on the DMR website, and electronic messages were sent to individuals who subscribe to DMR notices. A public hearing was held on June 12, 2019 at 6:00pm in Augusta, Maine and on June 13, 2019 at 6:00pm in Ellsworth, Maine. The comment period closed June 24, 2019.

### Attendance at Augusta Public Hearing

Name	Affiliation
Vincent Hersey, Walter Ward, and Allan Knowlton	Urchin Harvesters
Melissa Smith, Margaret Hunter, Nick Popoff, and Amanda Ellis	DMR Staff

### Attendance at Ellsworth Public Hearing

Name	Affiliation
Tracey Sawtelle, Danny Jodway, Danny Fitzsimmons, Joshua Lyons, Rodney Dore, Greg Brown, Marcus Jones, David Tarr, Sheldon Dorr, Mike Potts, Tim Peterson, Sam Glass, Fred Gray, and Ricky Wright	Urchin Harvesters
Margaret Hunter, Nick Popoff, and Amanda Ellis	DMR Staff

## Support

### Walter Ward, Augusta Public Hearing, June 12, 2019

In favor of option 1 with more days and less totes. This would provide more days for weather and markets and provide more flexibility.

### Vince Hersey, Augusta Public Hearing, June 12, 2019

In favor of option 1 more flexible for harvesters and will help preserve the industry.

## Opposed

### Tracey Sawtelle, Ellsworth Public Hearing, June 13, 2019

I oppose this 30-day season, 6 totes, 30% reduction. I think that it is way too much. When we made the season setting calendar we were told that DMR was fine with the status quo and not asking for any reductions. We voted and made the calendars. A motion was made to lower the number of days and the Council voted it out 8 to 2. I am wondering when DMR decided it was making the calendars, not the urchin council? The urchin council has always made the calendar. I am quite upset with the DMR for not notifying members of the council to let them know about the proposal. I had to read about it in an article. I feel the Council has been left completely out of this. DMR works for the Council and the Council works

for DMR. I call it quite an insult to the Council. That's not the way to do business. The landings I am not going to get into. Everybody has to fill out a log book. It was only supposed to be in effect for two years. It was supposed to be over. There was supposed to be a set time for that. Now we still fill out log books. We have swipe cards that tell us what people caught. Tells how long you've been to sea. Now for me, where I am fishing I've seen an increase in the biomass over the last two seasons. I think this proposal is way out of hand. It's a 30% reduction. The Council did vote for a 38-day, 6 tote limit, for Zone 2 only after being asked if we had to take a cut. I made it very clear we did not want to take a cut. As Chairman of the Council I am very displeased with DMR. I think you went behind the Council's back. It does not make one comfortable working with the DMR after this. The March 28<sup>th</sup> season setting meeting happened in Brewer. The minutes from that meeting say that DMR did not come to the meeting to recommend any changes. That is in the minutes, so if you are wondering why people are confused about this that's why. Also, a lot of people have a third man that goes fishing. With a 30% reduction on both those proposals, I want to know if DMR has any suggestions on what to do with that third man? Everyone thinks the season setting meeting is one to go to, the important meeting. If DMR sometimes wonders why fishermen don't trust DMR it is because of issues like this. Everything gets done behind their back. I know it. DMR knows it. In the past working with Trish DeGraff and Melissa things were more open, people were notified, and they were a lot more honest. I can see that this new person seems to keep things hidden. I strongly oppose any of these cut backs.

#### **Markus Jones, Ellsworth Public Hearing, June 13, 2019**

I've been in the industry for 28 years and I am very concerned about conservation and the industry. However, when I look at both of these proposals and do the math, the average diver is going to be down at least \$18,000.00 for the season. For me as a Captain of a boat with three divers that is \$38,000.00 plus. That's a huge income cut. When I see the industry and where it is going as far as these cuts are concerned, I think it's too drastic. I see die-off, not overharvesting. I see certain areas that are hit harder than others because the divers are moving because of the die-off. That's not going to be solved by cutting days or totes. We have warmer water temperatures and an amoeba that's attacking the urchins. It's not because of over-harvesting. Certain areas that are dying faster should be looked at through a scientific study and maybe those areas could be rolling closures, but even that is a touchy subject. However, not being informed that this was going to happen at the April meeting, I would have been there. A lot of guys read this in the paper and my phone was ringing off the hook. A lot of the guys couldn't be at the meeting. I feel like this was underhanded and behind our back. It was done without our consultation and it's way too much of a reduction. I can see maybe 38 days and one tote a day, which is still \$15,000.00 less per person. I am not saying the industry should be regulated by our income, but what I am saying is look at the impact this proposal is going to make on the community and the industry. Both the buyers, markets, and the divers. I oppose both of these proposals and I'd rather see this come to the table again for an open discussion.

#### **Fred Gray, Ellsworth Public Hearing, June 13, 2019**

My biggest problem is a certain meeting and the process. Traditionally we all go to the season setting meeting and DMR was not proposing any reductions. At the season setting meeting we set the whole calendar and there was no sign that a reduction was going to happen. I don't have the meeting minutes in front of me, but it was quite clear DMR was not looking for a reduction. I do remember Joe Leask bringing up the idea of a reduction, but it was shot down. It was voted against, with I think only two people for it. I thought we were all set. I have no idea how many people were at the next meeting, or how many Council members were at the meeting. I think if we're going to do a reduction we should do it through normal channels where we get together as an industry and we talk about it. We can't go from

nothing is going to happen to this. If we are going to do a reduction then we should all be sitting down and talking about what is best for the industry. That's the way to go about doing this, but it's not the way it happened. We set a full schedule and now we are sitting here. I don't know what happened. That hasn't been explained to me. What happened? I am against this. If we are going to do a reduction, let's talk about it instead of being handcuffed and thrown to the floor.

**Tim Peterson, Ellsworth Public Hearing, June 13, 2019**

I feel as an urchin council member I am here to represent industry. I left it at the March meeting that we had a 38-day, 7 tote season. I'd like to see it stay at the 38-day, 7 tote season. The Council voted for that and DMR backed us. That's where I am at.

**Ricky Wright, Ellsworth Public Hearing, June 13, 2019**

I am opposed and I didn't know it was happening.

**Joshua Lyons, Ellsworth Public Hearing, June 13, 2019**

Last year was the quickest year I've ever caught eggs. I think we need to leave things alone and let us go. You've cut us enough. Let's leave it alone. I trust Tracey, we all trust Tracey. He's our man and you guys went right over his head. It's wrong, get it right.

**Greg Brown, Ellsworth Public Hearing, June 13, 2019**

I agree with the previous comments. This was done under-handedly. More research needs to be done and put into this. Especially the impacts on buyers and whether they will be able to sustain such drastic cuts. Also, this needs to be thought out scientifically. What are the numbers, because we need to see if a drastic cut like this needs to happen? I oppose the proposed rule-making.

**Danny Fitzsimmons, Ellsworth Public Hearing, June 13, 2019**

When was the last time we had a meeting here like this that did us any good? Anytime it gets to this point it never goes in our favor. I don't know what we are doing here. You guys got it in cement. I am opposed.

**Danny Jodway, Ellsworth Public Hearing, June 13, 2019**

I think they ought to leave it alone instead of making rash decisions. I am opposed.

**Sheldon Dore, Ellsworth Public Hearing, June 13, 2019**

I agree with everyone in the audience. I am opposed.

**Sam Glass, Ellsworth Public Hearing, June 13, 2019**

I am opposed to the proposed regulations.

**Mike Potts, Ellsworth Public Hearing, June 13, 2019**

I am opposed to both options.

**Rodney Dore, Ellsworth Public Hearing, June 13, 2019**

I opposed this. I don't think it is from overfishing. I think it is from die-off. Last year the water was extremely warm and the weather was bad as it always is. You're making a decision on one year. We need to wait and see what another year does. I think we'd get more done if you would bring people here around the table and we could all discuss it. I feel like I am being played and this is just a joke. That my comment is going to get erased. You're going to do what you want anyways.

**Sinuon Chau, submitted via email, June 13, 2019**

I am not agreeing with any of these options. Cutting out fishing days to 30 is unacceptable for zone 2. Last year was 38 is already low enough and I don't see this helping my business at all. If we proceed with this changes, I will probably shut down my business after this season. I will be not be attending the hearing today and I hope other fishermen will say something about this.

**Tim Peterson, submitted via email, June 21, 2019**

This is Tim Peterson zone 2 tender and urchin council member. I am strongly opposed to the harsh changes that will no doubt hurt a lot of fishermen this winter. The catch is still sustainable and I don't think because a couple people struggled last year that we should lose 30% of our season. I also spoke to Maggie Hunter after the hearing and asked her about our proposed level fill measure on trays opposed to the ridiculous not quite full tab touching we have now. When I first proposed it the counter was reduce to 6 trays and we could have it so now if we are forced to reduce to 6 trays and 30 days I think we should at the very least have the ability to fill the totes to the top where a straight edge would show that you are too full or not. I really think the season should be left the same for this year and any changes be brought up at the season setting meeting in March. I hope DMR does the right thing.

**Sam Glass, submitted via email, June 24, 2019**

I am a zone 2 urchin diver, have been diving a long time, full time since 1993, and little before while still in high school. I adamantly oppose the potential rule changes. From what I understand the season had been set earlier, and somehow it is on the table for change. The changes I am hearing about I believe would be detrimental to the industry. I believe that the buyers are barely holding on as it is, and this reduction may push them over the edge. I believe the measures currently in place are pretty conservative, and the small group of people fishing, gives the industry a chance to sustain, the way it is. The extra fishing days we were given last couple years, as potential days really helped a lot too. less days were definitely lost due to weather. I truly hope it can be left alone, for me personally, it is a major one of my two industries that I work seasonally to attempt to make a living, and I enjoy it for the most part. I have seen good signs of the industry being able to sustain, the way it is, not all bad.

**Aaron, submitted via email, June 24, 2019**

I'm one of many people who depend heavily on the sea urchin season to piece together a living in our beloved and poverty-stricken Downeast Maine. I'm in the camp that this proposed reduction is too drastic and that the result will be the loss of the buyers/processors. The processors have been hanging in the last few years with their eyes on the long goal but this will probably put one or more of them out of the picture, and at last, Tamaki will be handed what he's been holding out for....no more competition. It looks as though there are increasing numbers of fishermen dropping out of the fishery just in the last year or so, including some heavy hitters that represent significant numbers. Can we just take away one tray per day and keep 38 days on the calendar and try that for a year or two and then assess the biomass before we just go ahead and send the whole thing into collapse with one sudden and drastic cut? If the drop in biomass has more to do with warming temps and invasive species, then a cut in effort will mostly just serve to send the industry to it's demise sooner. This business represents the largest part of my annual income. From past meetings I've gathered that some proposals for rule changes end up being very much off-the-cuff....seriously. So, I'm asking that you respectfully consider these few points that I've brought up, and not make such a large cut to our season in just one year. Take a tray per day for this year if something absolutely must be done. The entire industry is too fragile and can't take a huge shock wave.

## **Neutral**

### **Jon Files, submitted via email, June 10, 2019**

I now live on the West Coast where salmon are being threatened by non-selective fishing technologies such as gill nets. We are trying to move away from this towards methods that allow harvest while reducing incidental damage to threatened species. Please try to move away from non-selective harvest techniques such as bottom dragging that will impact other species such as cod recovery. I have a camp on an island 4 miles off the coast of Maine and am disappointed with the fishing opportunities and success rates. I hope you can overcome some of the past practices that have resulted in the declines from abundance to what we have now and appreciate the efforts that are resulting in improvements so my great grandkids can enjoy.

### **Margaret Hunter, submitted via email, June 12, 2019**

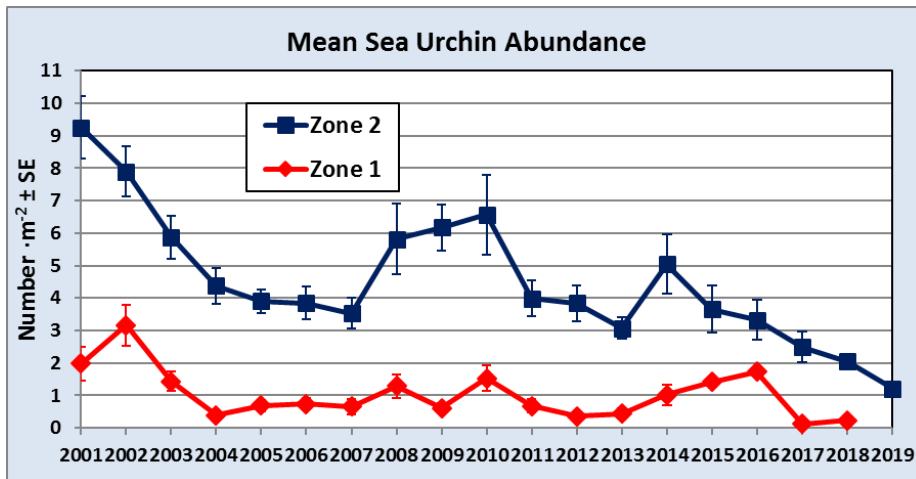
I found a couple of minor problems in the sea urchin regulation texts:

- 1) In Option 1, Zone 1, the Dive Late season text includes January 20 and February 17 as open, but the Drag season does not. Those days are open on both the Dive Late and Drag season calendars.
- 2) In both Option 1 and Option 2, in the Late Drag season for the Whiting/Dennys area, January 1 is open and this results in 16 days open. It is closed on the calendar.

## DMR's Response

### *Status of the Resource*

Although sea urchin abundance and biomass vary from place to place, for Zone 2 overall, the average abundance has declined every year since 2014 (top line; Figure 1), reaching time-series lows in 2018 and 2019. In Zone 2, there was an average of 9 urchins per square meter in 2001, the first year of the survey. This had declined to 3 urchins/m<sup>2</sup> in 2013, 2 in 2018, and just 1 urchin/m<sup>2</sup> in 2019. **The status of the resource in Zone 2 is approaching that of Zone 1** (lower line on graph; Figure 1).



\* **Figure 1:** Average sea urchin abundance by zone for annual survey, 2001-2019

\*Note: 2019 survey data for Zone 1, and standard error (SE) bars for recent years were not available when this document was prepared but will be available at the July DMR Advisory Council meeting. The 2019 survey data were not available to DMR or the SUZC at the time of the March and April SUZC meetings, because the survey was conducted in May and June.



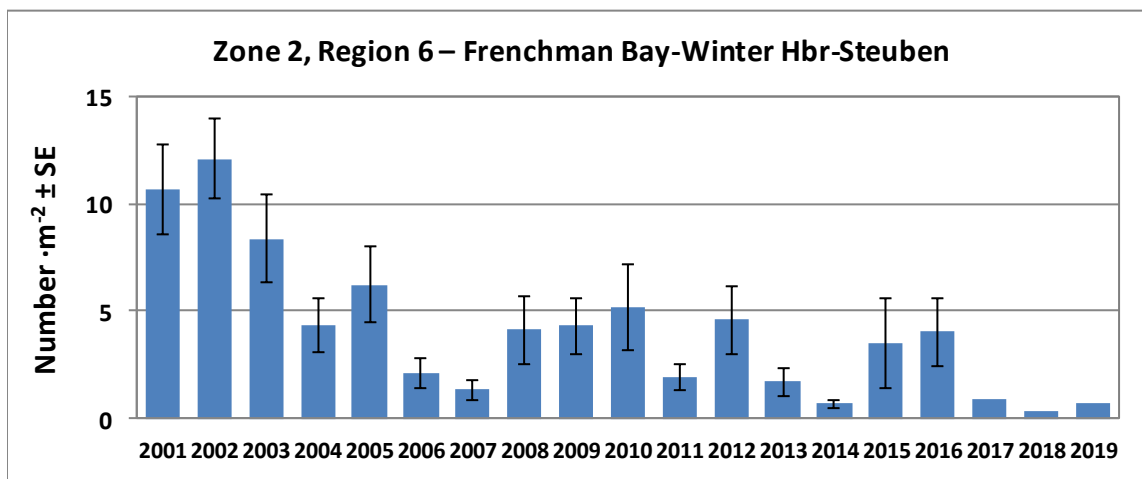
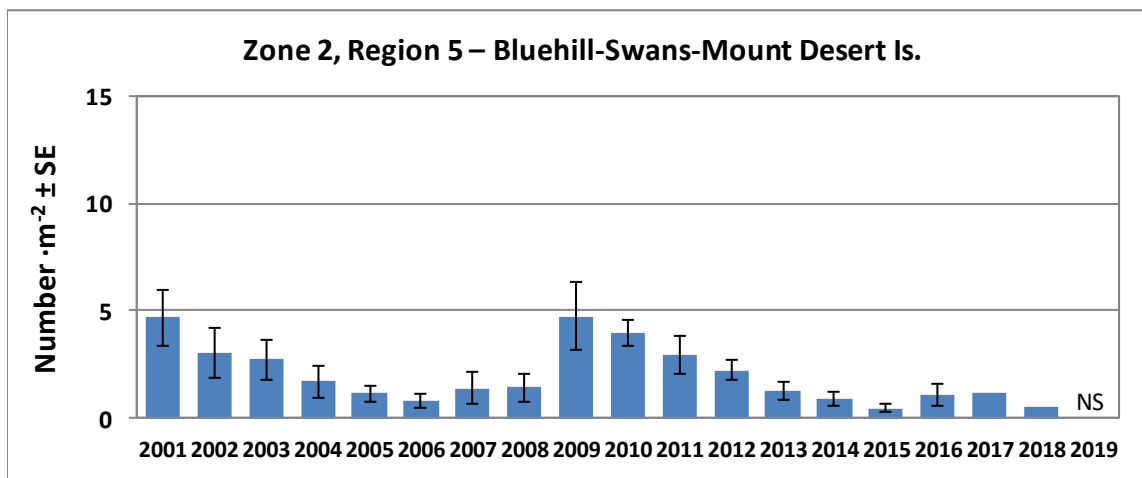
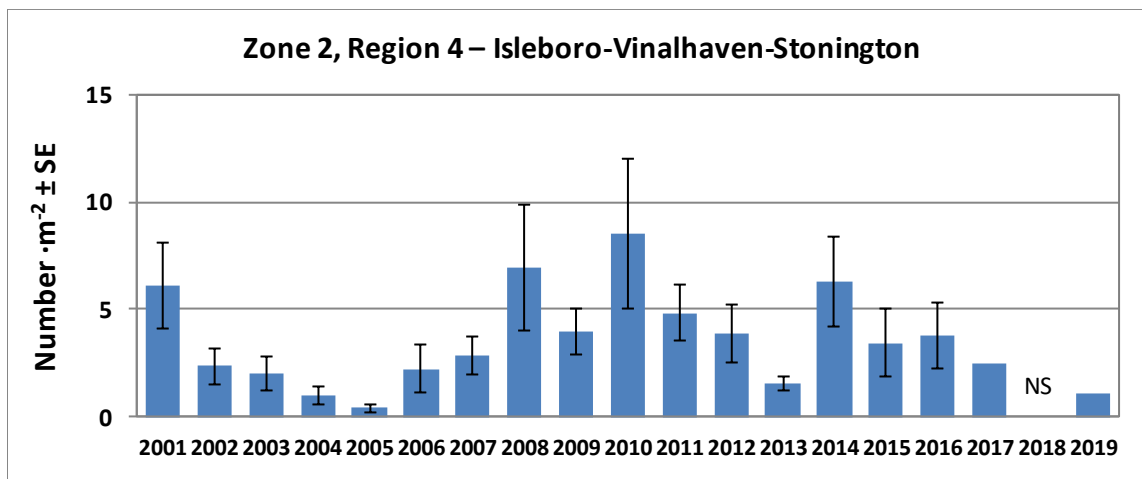
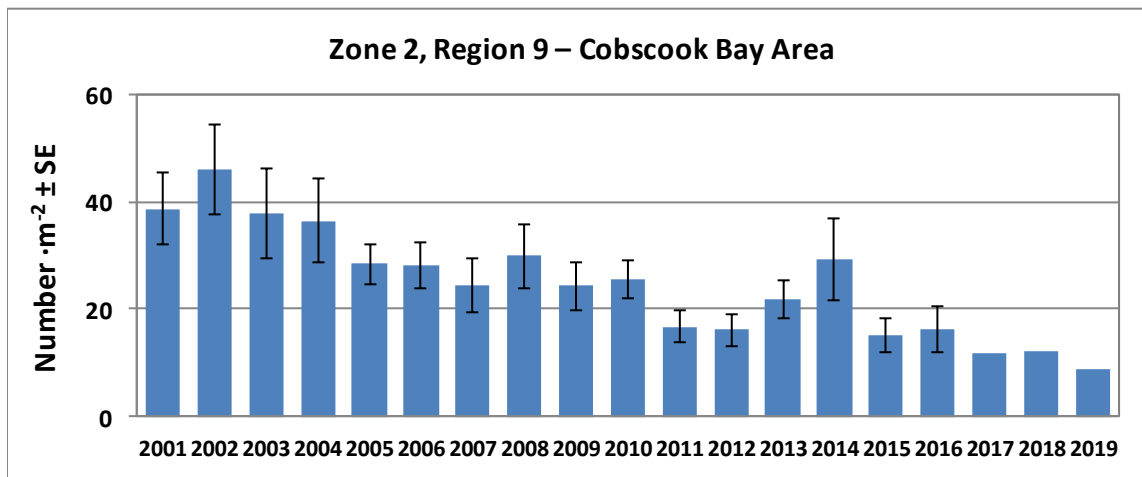
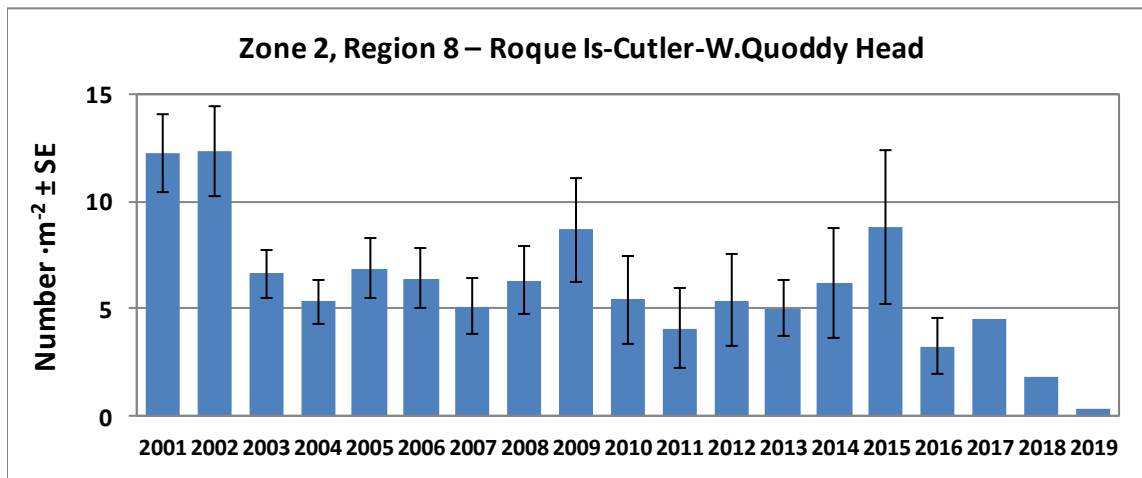
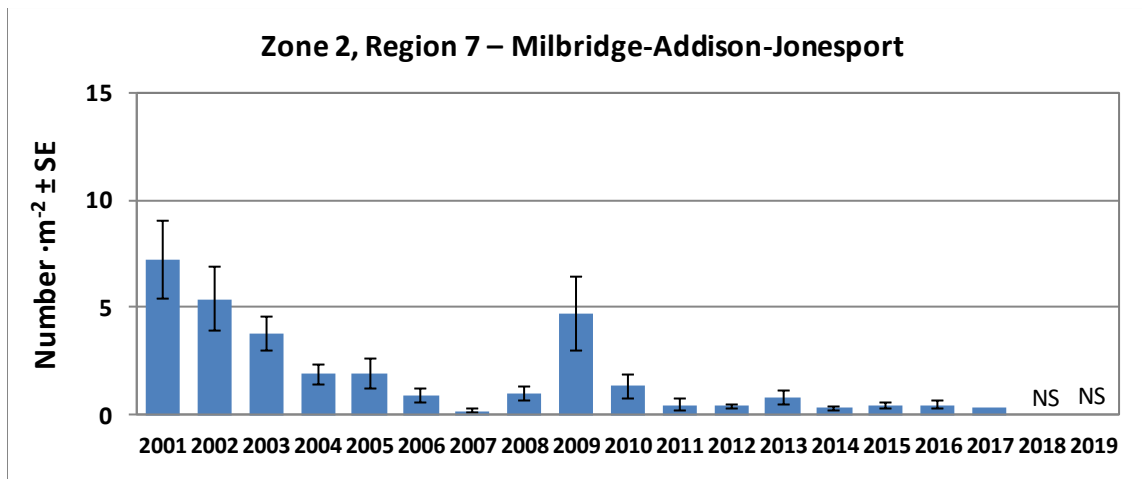


Figure 2a: Average sea urchin abundance by region 4-6 from annual survey, 2001-2019.



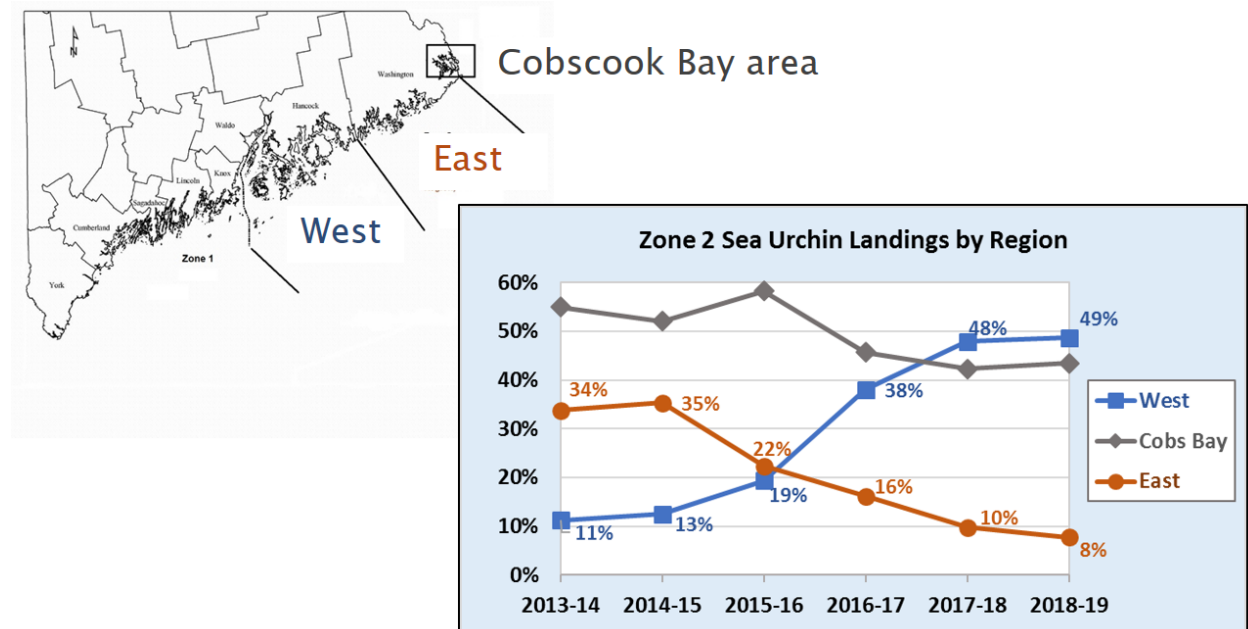
*Note different vertical scale for region 9. "NS" means Not Surveyed that year.*

**Figure 2b:** Average sea urchin abundance in Zone 2 by region 7-9 from annual survey, 2001-2019

Declines in abundance have been detected in all regions of Zone 2 (Figure 2a), but most worrying has been the recent drop in survey Region 7, which includes the Cutler shore, and slower but steady declines in Region 9, the Cobscook Bay area, which has consistently been more productive than all other regions in the state (Figure 2b).

Declining stock abundances in Washington County (regions 7-9 above) have resulted in Zone 2 harvesters moving westward, as illustrated by the blue line from dealer landings reports below (Figure 3). But it is clear from the survey data presented that the western areas (regions 4-6) cannot sustain this increased fishing pressure at the current level of participants, with the pre-determined harvest days and tote limits.

Recent survey results, discussed thoroughly above, show that the current catch is not sustainable. Average sea urchin abundance in Zone 2 is roughly half of what it was just two years ago.



**Figure 3:** Spatial illustration of landings within Zone 2 and the transition of dominant landings to the western portion of Zone 2.

### ***Sea Urchin Fishery Reductions***

One commenter’s statement regarding a 30% reduction is an over-estimate. The Department estimates that the proposed Zone 2 season and tray reductions will result in a 20–25% reduction in landings. If harvesters fishing in 2018–19 had been limited to fishing 30 landing days out of 40 opportunity days, instead of 38 landing days out of 45 opportunity days, DMR estimates their landings would have been reduced by about 14%; even though this represents a 21% reduction in fishing days, due to not all harvesters having fished all 38 landing days, and because the proposed season allows for more “weather” days. If harvesters fishing in 2018-19 had been limited to 6 trays instead of 7, landings would have been reduced by about 12%, even though this represents a 14% reduction in trays, because harvesters did not always get 7 trays. DMR also estimates that with the proposed increase in “weather” days, from 2018–19’s 7 days to the proposed 10 days, harvesters will have a greater chance of getting 6 trays every day than they did in 2018–19, assuming they can still find urchins. In 2018–19, a Zone 2 harvester caught 7 trays 65–70% of the time, and at least 6 trays 76–77% of the time, according to dealer reports from harvester swipe cards.

The Department has “left it alone” with no new sea urchin fishery restrictions for Zone 2 since 2013. To reduce the tray limit and then increase the level to which the trays can be filled would defeat the purpose of the lower limit. Waiting another year could be disastrous for this fishery and survey data presented here

document why a reduction is warranted. Our experience (and several studies) has shown that once a sea urchin bed is gone, recovery is difficult.

### ***Sea Urchin Fishery Economic Impacts***

One commenter determined that himself along with the divers on his boat would experience a decline in earnings averaging \$18,000. However, this group of harvesters do not represent the “average” metric for urchin divers within the industry. According to dealer reports from harvester swipe cards, the average Zone 2 diver caught 13,182 lbs valued at \$45,065 (ex-vessel) in 2018-19. A 20–25% reduction would result in a loss of \$9,013 to \$11,266 per diver.

We agree this is a significant loss. The Department has evaluated the potential reductions of earnings to harvesters and has considered the resulting impacts to buyers and processors. In our experience, small cuts in this fishery in the past have not prevented the stock’s decline, and a larger cut is necessary to prevent a fishery collapse and much more severe, and potentially permanent, economic impacts.

### ***Sea Urchin Fishery Environmental Impacts***

The Department agrees that there has probably been temperature-related urchin die-offs in some areas, possibly due to the same amoeba that has plagued Nova Scotian urchin stocks. However, whether declines in urchin abundance are due to overfishing or to natural causes, the end result is still the same: there are fewer urchins to support a fishery, and fishery cut-backs are necessary if fishing on a reduced stock is to be sustainable.

### ***In Summary***

The Department lacks a peer-reviewed formal stock assessment model for this fishery and relies on survey indices and industry input for guidance. The comments made by several SUZC members and the public at the March and April SUZC meeting were sobering. We have never heard so many industry members (about 7–9) speak out (or voted) publicly for the need for a substantial urchin fishery reduction; this corroborated with the survey data we had in hand and the even more worrying 2019 survey data we have received since those meetings.

Catch rates have proven to be a poor indicator of stock abundance for this fishery, and there are many examples in the fisheries literature where catch rates remained stable or even increased despite a decline in stock abundance. According to our annual survey, stock abundance and biomass have been declining steadily in Zone 2 since 2014 and reached a time-series low in 2019 (Figure 1).

The proposal that was “shot down” at the March SUZC meeting was for 25 open days with no “weather” days, and a 6-tray limit. The Department estimates (using logic described above based on 2018-19 swipe card data) this would have resulted in an estimated 55% reduction in landings, more than twice the reduction proposed here. The rule as proposed offers a marked reduction in effort with a reduced impact to all stakeholders within the fishery.

With respect to Zone 1, the comments received during the open comment period provided consensus that Option 1 was the choice over Option 2 for Zone 1 harvesters.

## Rule-Making Fact Sheet

(5 M.R.S., §8057-A)

AGENCY: Department of Marine Resources

NAME, ADDRESS, PHONE NUMBER OF AGENCY CONTACT PERSON:

Amanda Ellis, Department of Marine Resources, 21 State House Station, Augusta, Maine 04333-0021

Telephone: (207) 624-6573; web address: <http://www.maine.gov/dmr/rulemaking/>

CHAPTER NUMBER AND RULE: Chapter 26-Sea Urchin 2019-20 Season

STATUTORY AUTHORITY: 12 M.R.S.A. §6749

DATE AND PLACE OF PUBLIC HEARING(S): June 12, 2019, 6:00pm, Room 101, Deering Building, 90 Blossom Lane, Augusta; June 13, 2019, 6:00pm, Council Chamber Room, Ellsworth City Hall, 1 City Hall Plaza, Ellsworth.

COMMENT DEADLINE: June 24, 2019

PRINCIPAL REASON(S) OR PURPOSE FOR PROPOSING THIS RULE: [*see* §8057-A(1)(A)&(C)] This regulation would establish open harvest days and tote limits for the taking of sea urchins by divers, rakers, trappers, and draggers in Zones 1 and 2 for the 2019-2020 season. For Zone 1, seasons are proposed for divers, trappers, rakers and draggers in 2019-2020, from which harvesters may only fish up to 15 days of their choosing, the same number of days allowed during the 2018-2019 season, while the number of opportunity days is increased. For Zone 1, the proposed daily tote limit is nine (9) which is 3 totes lower than the 2018-2019 season. For Zone 2, 40-day seasons are proposed for divers, trappers, rakers and draggers in 2019-2020, from which harvesters may only fish up to 30 days of their choosing. This proposal reduces the fishing days by eight days and opportunity days by five days from the 2018-2019 season. For the Whiting & Dennys Bays Limited Access Area in Zone 2, a 15-day season is proposed for Zone 2 divers, trappers, rakers and draggers in 2019-2020. For Zone 2, the proposed daily tote limit is six (6) which is one fewer than the 2018-2019 season.

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 rule is expected to provide for the management of the sea urchin resource through the establishment of a season and associated tote limits.

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

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

Enforcement of these proposed amendments will not require additional activity in this Agency. Existing enforcement personnel will monitor compliance during their routine patrols.