

Maine Atlantic Salmon Commission

NOTICE OF AGENCY RULE-MAKING PROPOSAL

RULE TITLE: Chapter 1.03(1)&(3) Rules of the Atlantic Salmon Commission, Proposed Spring Season

CONCISE SUMMARY:

The proposed rulemaking would create a spring fishing season for anadromous Atlantic salmon with a fifty (50) fish maximum allowable catch and release. Daily reporting of successful captures would be required to determine the 50 fish maximum. The proposed spring season is for a one-month period in a specified location on the Penobscot River and would replace the fall season. The permitted activity would be limited to catch and release by fly fishing only. Should the Commission determine it is necessary to close the area during the open season, red flags would be displayed.

A complete copy of Chapter 1 is available online: <http://www.maine.gov/sos/cec/rules/90/94/289/289c001.doc>.

The proposed rulemaking text is available online: <http://www.maine.gov/dmr/rulemaking/>

If you are unable to attend the hearing persons are encouraged to submit written comments from the receipt or posting of this notice through close of business on the deadline listed.

STATUTORY AUTHORITY: 12 M.R.S.A. §9902

PUBLIC HEARING:

Thursday, January 24, 2008, 6:00 pm

Holden Elementary School, Gym, 590 Main Road, Route 1A, Holden
(Located next to the Holden Municipal Buildings and Fire Dept)

DEADLINE FOR COMMENTS: February 4, 2008

AGENCY CONTACT PERSON: Patrick Keliher (tel: 207-287-9972)

AGENCY NAME: Maine Atlantic Salmon Commission

Mail written comments to: attn: L. Churchill

AGENCY NAME: Department of Marine Resources,

ADDRESS: PO Box 8, West Boothbay Harbor, Maine 04575-0008

WEB SITE: <http://www.maine.gov/dmr/rulemaking/>

TELEPHONE: (207) 633-9584 **FAX:** (207) 633-9579 **TTY:** (207) 633-9500 (Deaf/Hard of Hearing)

Hearing facilities: If you require accommodations due to disability, please contact
Amanda Beckwith, at (207) 287-7578.

Proposed rulemaking – see underlined or ~~deleted~~ text below:

Chapter 1: RULES OF THE ATLANTIC SALMON COMMISSION

1.03 Experimental Open Season

1. Time Period

~~There will be a limited, open season for directed angling for Atlantic salmon from September 15 through October 15 annually, on the Penobscot River in the area specified below.~~

There will be a limited, open season for directed angling for Atlantic salmon from May 1st through May 31 annually, on the Penobscot River in the area specified below.

3. Conditions

Directed angling for Atlantic salmon shall be permitted in the above specified open area and time period under the following conditions:

G. All Atlantic salmon license holders must report all fishing activity at the end of the season on forms supplied by the Commission. Failure to comply with this reporting requirement may result in the denial of renewal of a license.

H. A total allowable catch (and release) for the season is fifty (50) Atlantic salmon. When 50 fish have been caught the season will be closed. Daily reporting, within 12 hours of release, by anglers when Atlantic salmon have been successfully caught and released is required to determine when the total allowable catch has been reached. The Atlantic Salmon Commission (ASC) will establish a dedicated phone number to be provided with the fishing license, for reporting purposes. ASC personnel will also be on duty each day to which the information may be reported to satisfy this requirement.

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Additional information:

The Atlantic Salmon Commission, at its October 18, 2007 meeting, voted to hold a public hearing to seek public input as to the feasibility of instituting a spring catch and release fishery on the Penobscot River for sea-run Atlantic salmon during May of 2008. A recent scientific risk assessment undertaken by the staff of the Department of Marine Resources' Bureau of Sea Run Fisheries and Habitat identified the following:

- 1) the risk of accidentally killing an Atlantic salmon during the proposed May angling period is extremely low;
- 2) catch and release angling poses no risk to the genetic integrity of Penobscot River Atlantic salmon; and
- 3) there are no negative effects on upstream migration or spawning behavior as a result of catching and releasing Atlantic salmon.

It is the Atlantic Salmon Commission's mission to provide for fishing opportunity and to conserve Atlantic salmon populations. The Commission is seeking public input whether it is prudent to hold a spring catch and release fishery during a period of low Atlantic salmon abundance.

This rule would impact the general public, recreational fishermen, local salmon clubs and sportsmen's organizations that have been denied access to this fishery since the late 1990s. Increased economic activity in the area would benefit local businesses and the public in general.

If you are unable to attend the hearing persons are encouraged to submit written comments from the receipt or posting of this notice through close of business on the deadline for comments listed.