

Department of Marine Resources
NOTICE OF AGENCY RULE-MAKING PROPOSAL

RULE TITLE: Chapter 11.10(H)(1,2,8) Scallops - Technical corrections to closure line descriptions

CONCISE SUMMARY: Clarifications would be made to the directions, for example east versus west, used to describe the lines in the recently adopted scallop closures. These would be technical corrections of the rules as adopted; no changes to the physical locations of the lines are proposed.

STATUTORY AUTHORITY: 12 M.R.S. §6171

PUBLIC HEARING: Nov. 17*, 2009, 6:00pm, DMR Large Conf Rm, 194 McKown Pt Rd, W Boothbay Harbor
**Public hearings for multiple proposed rules will be held in chronological order November 17. The second hearing will be held immediately upon the conclusion of the previous hearing, etc. See separate rulemaking notices for the rules not listed in this notice.*

DEADLINE FOR COMMENTS: November 30, 2009

To ensure consideration, comments must include your name and the organization you represent, if any. Please be aware that any risk of non-delivery associated with submissions by fax or e-mail is on the sender.

AGENCY CONTACT PERSON: Lt. Jon Cornish (207-633-9500)

Mail written comments to: Department of Marine Resources, attn: L. Churchill

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TEL.: (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.

Additional information:

The proposed corrections and update would improve clarity in these regulations for enforcement officials and persons in the scallop fishing industry.

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

11.10 Atlantic Sea Scallops Limitations

1. Size, Harvesting and Conservation Zone Regulations

H. Closed Areas

It shall be unlawful to fish for, take, or possess scallops taken by any method within any of the following closed areas. [All directions are relative to True north \(not magnetic\).](#)

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) Casco Bay Area:

South of a line drawn from the most southwestern point of Basin Point to the northeastern tip of Jewell Island, and south and [east west](#) of a line drawn from the southern tip of Jewell Island due south to the 3-mile limit, as identified on National Oceanographic and Atmospheric Administration nautical charts. Also, west of a point drawn from Gun Point due south to the 3-mile limit.

(2) Damariscotta/Sheepscot Area:

South [and east](#) 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. Then [north south](#) and east of a line drawn from the most southwestern point of Indian Point to the most northeastern point of Salter Island, and east of a line drawn from the most southwestern tip of Salter Island to the most northwestern point of Sequin Island. Then north of a line drawn from the most southern point of Sequin Island to Bantam Rock, north and west of a line continuing to the most southern point of Pumpkin Island, continuing to the Outer Heron Island

Ledge Buoy, continuing to the most southeastern point of Thrumcap Island, following the shoreline to the most southwestern point of Thrumcap Island, ~~and north~~ 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 south of a line drawn from the most southern tip of Jones Point to the most northeastern tip of Montgomery Point.

(8) Jonesport/Machias Area:

- (a) The Reach: East and north of a line starting at the most eastern end of Tibbett Island then east to the most northern end of Ram Island then on to the most western end of Slate Island and west of a line starting at the end of the breakwater Sawyer's Cove the southeast to the most western end of Pig Island and then due south to the closes point of land of Great Wass Island.
- (b) Chandler Bay/Englishman's Bay: North of a line starting at the Roque Island Cable Area running between Jonesport and Roque Island and north 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.
- (c) Machias Area: North and west 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 3-mile line, and west east of a line drawn due south from Great Head, Cutler to the 3-mile limit.

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.