

# Department of Marine Resources

## NOTICE OF AGENCY RULE-MAKING PROPOSAL

**RULE TITLE OR SUBJECT:** Chapter 75.02(A) Trap/Pot Fisheries Gear Restrictions

**CONCISE SUMMARY:** These proposed rules would delete the “neutrally buoyant line” term from the regulations, so that only the “sinking line” term would remain; and add the “sinking line” definition to the Sliver Area and Federal waters sections for trap/pot fisheries. These rules would require that ground lines must be composed entirely of sinking line in the Sliver Area and Federal waters for trap/pot fisheries. This rulemaking would provide for consistency and compliance with the federal requirements in the NOAA Fisheries Service Atlantic Large Whale Take Reduction Plan (ALWTRP) Final Rule in accordance with the Marine Mammal Protection Act and would become effective April 5, 2009.

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

**PUBLIC HEARING:** Mon., **December 15, 2008, 6:00pm**, Department of Marine Resources, Large Conference Room, 200 McKown Point Road, West Boothbay Harbor

**DEADLINE FOR COMMENTS:** **December 26, 2008**

*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:** Sarah Cotnoir (tel: 207-624-6596)

**Mail written comments to:**

Department of Marine Resources, attn: L. Churchill

**ADDRESS:**

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**WEB SITE:**

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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.

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### **Additional information:**

*These restrictions would apply to trap and pot fisheries (including but not limited to all crab species, hagfish, finfish, whelk, and shrimp) inside the Maine Sliver Area and federal waters.*

*NOAA’s National Marine Fisheries Service (NMFS) has approved a final rule which will amend the regulations implementing the Atlantic Large Whale Take Reduction Plan (ALWTRP). In part, the federal rule deletes the “neutrally buoyant line” term and definition from the regulations, so that only the “sinking line” term and definition would remain. In the October 5, 2007 final rule, NMFS included both the terms “sinking” and “neutrally buoyant” line, with identical definitions for each, in an attempt to include familiar industry terms and assist in the understanding of the regulations.*

*However, industry feedback to the federal rule since the final rule was published indicates that using two terms has led to confusion and resulted in some fishermen not understanding what type of line is required for the groundline. Therefore, neutrally buoyant line is still permitted; however, for regulation purposes, it will be defined and referred to as sinking line. For additional information visit the ALWTRP website: <http://www.nero.noaa.gov/whaletrp/>*

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

Chapter 75 – Protected Resources  
75.02 Trap/Pot Fisheries Gear Restrictions

A. The following trap/pot fishing gear restrictions shall apply:

1. Universal requirements in coastal waters

All persons who fish lobster gear within Maine’s coastal waters shall comply with the following federal universal requirements for the ALWTRP:

- (a) No floating line at the surface; and
- (b) No wet storage of gear over 30 days.

2. Waters to the Exemption Line

All persons who fish lobster gear in Maine’s coastal waters from the head of tide to the Exemption Line shall comply with one of the following ALWTRP options:

- (a) Option 1: All buoys must be attached to the buoy line with a weak link having a breaking strength no greater than 600 pounds (272.4 kg). Weak links may include swivels, plastic weak links, rope of the appropriate breaking strength, hog rings, rope stapled to a buoy stick, or devices approved in writing by the NOAA

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Fisheries Assistant Administrator (See contact information in 25.20(A)(3)). In addition, the weak link must be designed so that the bitter end of the buoy line is clean and free of knots when the weak link breaks; or

(b) Option 2: All buoy lines must be made entirely of sinking ~~and/or neutrally buoyant~~ line; or

(c) Option 3: All ground lines must be made entirely of sinking ~~and/or neutrally buoyant~~ line.

### 3. Sliver Area

All persons who fish lobster gear and trap/pot fisheries (including but not limited to all crab species, hagfish, finfish, whelk, and shrimp) in the Maine Sliver Area, shall comply with each the following ALWTRP requirements:

(a) All buoys, floatation and/or weighted devices must be attached to the buoy line with a weak link having a breaking strength no greater than 600 pounds (272.4 kg). Weak links may include swivels, plastic weak links, rope of the appropriate breaking strength, hog rings, rope stapled to a buoy stick, or devices approved in writing by the NOAA Fisheries Assistant Administrator (See contact information in Chapter 75.01(A)(3)). In addition, the weak link must be designed so that the bitter end of the buoy line is clean and free of knots when the weak link breaks plus each weak link must be installed as close to the floatation and/or weighted device as possible.

(b) Buoy lines must be marked with a red, 4-inch mark midway on the buoy line.

(c) The attachment of buoys, toggles or other floatation devices is prohibited on ground lines.

(d) Ground lines. All ground lines must be composed entirely of sinking line.

(e) Sink rope means, for both ground lines and buoy lines, line that has a specific gravity greater than or equal to 1.030, and, for ground lines only, does not float at any point in the water column.

### 4. Federal waters

All persons who fish lobster gear in Maine's coastal waters southerly of the Three Mile Limit, or as shown on NOAA, National Ocean Survey nautical charts, and within Area 1, must comply with each of the following ALWTRP requirements:

(a) All buoys, floatation and/or weighted devices must be attached to the buoy line with a weak link having a breaking strength no greater than 600 pounds (272.4 kg). Weak links may include swivels, plastic weak links, rope of the appropriate breaking strength, hog rings, rope stapled to a buoy stick, or devices approved in writing by the NOAA Fisheries Assistant Administrator (See contact information in Chapter 75.01(A)(3)). In addition, the weak link must be designed so that the bitter end of the buoy line is clean and free of knots when the weak link breaks plus each weak link must be installed as close to the floatation and/or weighted device as possible.

(b) Buoy lines must be marked with a red, 4-inch mark midway on the buoy line.

(c) Multiple traps only – no single traps allowed; trawls of 5 or fewer traps must have only one buoy line.

(d) The attachment of buoys, toggles or other floatation devices is prohibited on ground lines.

(e) Ground lines. All ground lines must be composed entirely of sinking line.

(f) Sink rope means, for both ground lines and buoy lines, line that has a specific gravity greater than or equal to 1.030, and, for ground lines only, does not float at any point in the water column.

*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.*