

Notice of Agency Rule-making Proposal

AGENCY: 13-188-Department of Marine Resources

CHAPTER NUMBER AND TITLE: Chapter 30.03 Taking of River Herring from Walker's Brook

TYPE OF RULE (*check one*): Routine Technical Major Substantive

PROPOSED RULE NUMBER (*leave blank; to be assigned by Secretary of State*):

BRIEF SUMMARY: In consideration of successful restoration efforts at Walker's Pond in Brooksville, DMR is proposing to establish a limited fishery in Walker's Brook. The proposed rule would authorize the take of river herring from May 15th through June 5th. In accordance with existing regulations and statutes, individuals may take up to 25 river herring per day using hook and line or dip net. Although fishing would be allowed in Walker's Brook from May 15th through June 5th, the weekly closed periods would still apply, so that fishing would be prohibited from 6:00 am Thursday to 6:00 a.m. Sunday. The proposed regulation does not expressly reference the method of take, daily limit, and weekly closed periods because these restrictions are already specified in other sections of DMR's regulations and statutes.

Date, time and location of PUBLIC HEARING (*if any*): None scheduled

COMMENT DEADLINE: February 12, 2021

CONTACT PERSON FOR THIS FILING (*include name, mailing address, telephone, fax, TTY, e-mail*):

NAME: Amanda Ellis

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Hearing facilities: If you require accommodations due to disability, please contact Meredith Mendelson at 207-624-6553.

CONTACT PERSON FOR SMALL BUSINESS IMPACT STATEMENT (*if different*): Same

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES (*if any*): None

STATUTORY AUTHORITY FOR THIS RULE: 12 MRSA §6171

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED (*if different*): Same

AGENCY WEBSITE: <http://www.maine.gov/dmr/rulemaking/>

E-MAIL FOR OVERALL AGENCY RULE-MAKING LIAISON: dmr.rulemaking@maine.gov

* *Check one of the following two boxes.*

X *The summary provided above is for publication in both the newspaper and website notices.*

The summary provided above is for the newspaper notice only. Title 5 §8053, sub-§5 & sub-§7, ¶D. A more detailed summary is attached for inclusion in the rule-making notice posted on the Secretary of State's website. Title 5 §8053, sub-§3, ¶D & sub-§6.

30.03 Taking of River Herring from Walker's Brook

Except from May 15 through June 5, it shall be unlawful for any person to take, in any manner, river herring from the waters of Walker's Brook, so-called, that runs between Walker's Pond and the Bagaduce River in the Town of Brooksville.

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 30.03 Taking of River Herring from Walker's Brook

STATUTORY AUTHORITY: 12 MRSA §6171

DATE AND PLACE OF PUBLIC HEARING(S): None scheduled

COMMENT DEADLINE: February 12, 2021

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

In consideration of successful restoration efforts, this proposed rule will allow a limited recreational harvest of surplus river herring spawning stock. The proposed rule will provide opportunity for individuals to catch river herring for personal use.

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)]

The proposed rule is expected to provide a brief period of recreational harvest for river herring for personal use and increase fishing opportunity in the area.

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]:

DMR and partners developed this proposal based on the assessment and monitoring of the annual river herring run into Walkers Pond. The Department consulted with the Maine Center for Coastal Fisheries, and municipal officials from the towns of Brooksville and Sedgwick all of which unanimously supported this proposal.

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.

FOR EXISTING RULES WITH FISCAL IMPACT OF \$1 MILLION OR MORE, ALSO INCLUDE:

ECONOMIC IMPACT, WHETHER OR NOT QUANTIFIABLE IN MONETARY TERMS:

[see §8057-A(2)(A)]

INDIVIDUALS, MAJOR INTEREST GROUPS AND TYPES OF BUSINESSES AFFECTED AND HOW THEY WILL BE AFFECTED: [see §8057-A(2)(B)]

BENEFITS OF THE RULE: [see §8057-A(2)(C)]

Note: If necessary, additional pages may be used.