

## NOTICE OF AGENCY RULE-MAKING ADOPTION

**AGENCY:** Department of Marine Resources

**CHAPTER NUMBER AND TITLE:** Chapter 26 Sea Urchin Regulations and 2017-2018 Harvesting Season

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

### CONCISE SUMMARY:

This regulation establishes open harvest days for the taking of sea urchins by divers, rakers, trappers, and draggers in Zones 1 and 2 for the 2017-2018 season. It also establishes the utilization of harvester swipe cards for picking days to fish. This is a pilot project which aims to evaluate the swipe card system which could potentially provide industry the flexibility to fish in a safer manner and to increase roe quality. For Zone 1, 20-day seasons are established for divers, trappers, rakers and draggers in 2017-2018, from which harvesters may only fish up to 15 days of their choosing, the same number of days allowed during the 2016-2017 season. For Zone 2, 45-day seasons are established for divers, trappers, rakers and draggers in 2017-2018, from which harvesters may only fish up to 38 days of their choosing, the same number of days allowed during the 2016-2017 season. For the Whiting & Dennys Bays Limited Access Area in Zone 2, a 15-day season is established for Zone 2 divers, trappers, rakers and draggers in 2017-2018, which is six additional days compared to the 2016-17 season. This regulation also establishes a limited access area in Blue Hill Bay for a Department-initiated, five year research project in collaboration with industry using Department issued spatial trackers.

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

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DEPARTMENT OF MARINE RESOURCES

Chapter 26 - Sea Urchin Regulations

26.07 Sea Urchin Harvesting Season ~~2016-2017~~ 2017-2018 pursuant to 12 M.R.S. §6749. Harvesters have the ability to choose 15 of the potential 20 available days in Zone 1 and 38 of the potential 45 available days in Zone 2.

1. Zone 1 [as defined by 12 M.R.S. §6749-N(1)]. Harvesters have the flexibility to choose 15 of the potential 20 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, 2, 3, 7, 8, 9, 12, 13, 14, 19, 20, 21, 26, 27, and 28, 2016. 1, 2, 5, 6, 7, 8, 11, 12, 13, 14, 18, 19, 20, 21, 25, 26, 27 and 28, 2017; and, October 4 and 5, 2017.~~ 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 1, 2, 5, 6, 8, 9, 12, 13, 15, 16, 19, 20, 22, 27, and 28, 2016. 4, 5, 6, 11, 12, 13, 18, 19, 20, 21, 27 and 28, 2017; and, February 5, 6, 12, 13, 19, 20, 26 and 27, 2018.~~ Divers, trappers, and rakers may fish no more than 15 of these days.

- C. Early 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, 2, 5, 6, 8, 9, 12, 13, 15, 16, 19, 20, 22, 27, and 28, 2016. 1, 2, 4, 5, 6, 7, 11, 12, 13, 14, 15, 18, 19, 20, 21, 22, 27, 28, 29 and 30, 2017.~~ Draggers may fish no more than 15 of these days.

- 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 ~~Thursdays, Fridays, and Saturdays in February 2017, except February 25 is closed, and open March 2, 3, 9, and 10, 2017. Wednesdays, Thursdays and Fridays in February, 2018; and, March 1, 2, 5, 6, 7, 8, 12 and 13, 2018.~~ Draggers may fish no more than 15 of these days.

- E. Designation of Zone 1 early or late season:

- (1) A person 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 choose 38 of the potential 45 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 15, 16, 22, 23, and 29, Mondays, Tuesdays, and Wednesdays in October, Mondays and Tuesdays in November plus November 2 and 30, and December 6, 7, 8, 13, 14,~~

20, 21, 22, and 23, 2016. 12, 13, 14, 19, 20, 21, 26, 27 and 28, 2017; October 2, 3, 4, 10, 11, 12, 16, 17, 18, 23, 24, 25, 30 and 31, 2017; Mondays, Tuesdays, and Wednesdays in November, 2017; and, December 4, 5, 6, 12, 13, 14, 19, 20 and 21, 2017. Divers, trappers, and rakers may fish no more than 38 of these days.

B. Early Late season for draggers divers, trappers and rakers

The Zone 2 season for draggers divers, trappers and rakers who have certified the early late season on forms provided by the Commissioner, is open Mondays and Tuesdays in October and November 2016 plus October 1, 12, and 19 and November 2, Thursdays and Fridays in December 2016, February 15, 16, 22, and 23, 2017, and March 1 and 2, 2017. Tuesdays, Wednesdays and Thursdays in December, 2017; Tuesdays, Wednesdays and Thursdays in January, 2018; Tuesdays, Wednesdays and Thursdays in February, 2018; and, March 1, 6, 7, 8, 13, 14 and 15, 2018. Divers, trappers, and rakers may fish no more than 38 of these days.

C. Late Early season for divers, trappers and rakers draggers

The Zone 2 season for divers, trappers and rakers draggers who have certified the late season on forms provided by the Commissioner, is open December 13, 14, 19, 20, 21, 26, 27, and 28, 2016, and Mondays and Tuesdays in January and February 2017, plus January 4 and 11 and February 1 and 22, and March 1, 6, 7, 8, 13, 14, and 15, 2017. Mondays, Tuesdays and Wednesdays in October, 2017, except Monday, October 9 shall be closed; and, Mondays, Tuesdays, and Wednesdays in November 2017; Wednesdays, Thursdays and Fridays in December, 2017, except December 1 is closed; February 22 and 23, 2018; and, March 1, 7, 8, 14 and 15, 2018. Draggers may fish no more than 38 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 7, 8, 9, 14, 15, 16, 17, 21, 22, 23, 28, and 29, 2015, Mondays, Tuesdays, and Wednesdays in January 2016 except January 13 is closed, plus February 1, 2, 8, 9, 22, 23, and 29, and March 1, 2, 7, 8, 9, 14, 15, 16, 2016 are open November 21, 22, 28, and 29, and December 7, 8, 9, 14, 15, 16, 21, 22, 23, 28, 29, and 30, 2016, and Thursdays and Fridays in January 2017 plus January 4 and 11, Wednesdays and Thursdays in February 2017, and March 2, 3, 9, and 10, 2017. Wednesdays, Thursdays and Fridays in December, 2017, except December 1 is closed; Tuesdays, Wednesdays and Thursdays in January and February, 2018; and, March 1, 6, 7, 8, 13, 14 and 15, 2018. Draggers may fish no more than 38 of these days

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 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 Tuesdays in September, October, November and December 2016 2017, except September 5 and November 28, 2016 is open and December 27, 2016 26, 2017 is are 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 Tuesdays in December 2017, and January, February and March, 2018, except Tuesday March 20 and Tuesday March 27, 2018, which shall be closed.

~~B~~ 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 December 1, 8, 15, 22 and 29, 2016, February 16 and 23, 2017 and March 1 and 2, 2017 Wednesdays in October, November and December, 2017; and Wednesdays, March 7 and 14, 2018.

~~C.~~ 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 early late season on forms provided by the Commissioner on Mondays in January, February and March, 2017, except March 13, 20 and 27, 2017 are 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 December 8, 15, 22 and 29, 2016, February 9, 16 and 23, 2017 and March 2 and 3, 2017 Wednesdays in December, 2017; and Wednesdays in January, February and March, 2018, except March 21 and 26 are closed.

(2) Blue Hill Bay Area (Zone 2). Harvesters may fish in the Blue Hill Bay limited access area only in accordance with the following provision:

It shall be unlawful to fish for, take, or possess urchins in Blue Hill Bay, north of a line starting at southernmost tip of Lopaus Point to the northern most point of Black Island; continuing from the westernmost tip of Black Island to the northern most tip of Swans Island Head; continuing to the most southeastern point of Naskeag Point, Brooklin except by draggers, divers, trappers, and rakers who possess aboard their fishing boat, a Global Positioning System (GPS) tracking unit provided by the Department. The spatial tracker must be turned on and continuously recording data for the entire duration of each season, chosen by the harvester. This limited access area will sunset April 1, 2022.

#### 26.50 Urchin Transaction Cards

1. Eligibility. In order to be eligible for an urchin transaction card, an individual must be licensed according to 12 M.R.S. §6748, 6748-A, 6748-D, or 6302-A subsection 3 paragraph B. Valid transaction cards may only be issued by the Department of Marine Resources.
2. Harvester Use. It is unlawful for an individual licensed under 12 M.R.S. §6748, 6748-A, 6748-D, or 6302-A subsection 3 paragraph B to sell or transfer urchins the license holder has taken to a person licensed under 12 M.R.S. §6851 subsection 2-B or subsection 2-C, unless the harvester presents his or her DMR-issued transaction card to the urchin buyer or processor during each transaction. Transaction cards may only be used to sell urchins which were harvested by the individual identified on the transaction card. A law enforcement officer may seize the transaction card of an individual who has used their transaction card to sell urchins they did not harvest. The act of swiping your card on any given day will be considered as one fishing day, between the hours of 12:00 am-11:59pm.
3. Dealer Use. It is unlawful for a person licensed under 12 M.R.S. §6851 subsection 2-B or subsection 2-C to purchase or transfer urchins from an individual licensed under 12 M.R.S. §6748, 6748-A, 6748-D, or 6302-A subsection 3 paragraph B, without recording the transaction using the electronic recording device specified by the Department for that purpose. DMR-provided reporting software must be synchronized for updates to the reporting system prior to the purchase of urchins on each fishing day. A person licensed under 12 M.R.S. §6851 subsection 2-B or subsection 2-C may not purchase urchins from anyone who does not present an urchin transaction card. In the event of any failure of the reporting software or equipment, the Commissioner may authorize the use of paper reports until such time as the system is operational.
4. Records required. A person licensed in accordance with 12 M.R.S. §6851 subsection 2-B or subsection 2-C shall maintain transaction card documentation to account for all urchins in their possession. Any urchins legally obtained from other jurisdictions must have sufficient documentation to demonstrate their origin. Failure to provide proper documentation will be prima facie evidence that the urchins are illegal and are subject to seizure.
5. The Department will deactivate the transaction card of any individual who has met or exceeded their sea urchin harvest days. The onus is on the license holder to track days fished; harvesting beyond the number of allocated season days is considered fishing out of season and is prohibited.

Strike this Zone 1 Calendar page:

## 2016-2017 Sea Urchin Season for Maine Zone 1

= Open

= Closed

### Early Season for Divers, Rakers and Trappers

September 2016						
S	M	Tu	W	Th	F	S
				1	2	3
				O	O	O
4	5	6	7	8	9	10
			O	O	O	
11	12	13	14	15	16	17
	O	O	O			
18	19	20	21	22	23	24
	O	O	O			
25	26	27	28	29	30	
	O	O	O			

### Late Season for Divers, Rakers and Trappers

December 2016						
S	M	Tu	W	Th	F	S
				1	2	3
				O	O	
4	5	6	7	8	9	10
	O	O		O	O	
11	12	13	14	15	16	17
	O	O		O	O	
18	19	20	21	22	23	24
	O	O		O		
25	26	27	28	29	30	31
	O	O	O			

### Early Season for Draggers

December 2016						
S	M	Tu	W	Th	F	S
				1	2	3
				O	O	
4	5	6	7	8	9	10
	O	O		O	O	
11	12	13	14	15	16	17
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18	19	20	21	22	23	24
	O	O		O		
25	26	27	28	29	30	31
		O	O			

### Late Season for Draggers

February 2017						
S	M	Tu	W	Th	F	S
			1	2	3	4
				O	O	O
5	6	7	8	9	10	11
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12	13	14	15	16	17	18
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19	20	21	22	23	24	25
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26	27	28				

March 2017						
S	M	Tu	W	Th	F	S
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5	6	7	8	9	10	11
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19	20	21	22	23	24	25
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Strike this Zone 2 Calendar page:

## 2016-2017 Sea Urchin Season for Maine Zone 2

**O** = Open      **□** = Closed

### Early Season for Divers, Rakers and Trappers

September 2016						
S	M	Tu	W	Th	F	S
				1	2	3
4	5	6	7	8	9	10
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October 2016						
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16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

November 2016						
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		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

December 2016						
S	M	Tu	W	Th	F	S
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18	19	20	21	22	23	24
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### Late Season for Divers, Rakers and Trappers

December 2016						
S	M	Tu	W	Th	F	S
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January 2017						
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February 2017						
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March 2017						
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### Early Season for Draggers

October 2016						
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16	17	18	19	20	21	22
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30	31					

November 2016						
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30						

December 2016						
S	M	Tu	W	Th	F	S
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23	24	25	26	27	28	29
30	31					

January 2017						
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29	30	31				

February 2017						
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26	27	28				

March 2017						
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26	27	28	29	30	31	

### Late Season for Draggers

November 2016						
S	M	Tu	W	Th	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

December 2016						
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25	26	27	28	29	30	31

January 2017						
S	M	Tu	W	Th	F	S
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29	30	31				

February 2017						
S	M	Tu	W	Th	F	S
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12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28				

March 2017						
S	M	Tu	W	Th	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	



## 2016-2017 Sea Urchin Season for Maine Zone 2 for Whiting & Denny's Bays

O = Open       = Closed

### Early Season for Divers, Rakers and Trappers

September 2016						
S	M	Tu	W	Th	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

October 2016						
S	M	Tu	W	Th	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

November 2016						
S	M	Tu	W	Th	F	S
		1	2	3	4	5
		O				
6	7	8	9	10	11	12
		O				
13	14	15	16	17	18	19
		O				
20	21	22	23	24	25	26
		O				
27	28	29	30			
	O	O				

December 2016						
S	M	Tu	W	Th	F	S
				1	2	3
4	5	6	7	8	9	10
		O				
11	12	13	14	15	16	17
		O				
18	19	20	21	22	23	24
		O				
25	26	27	28	29	30	31

### Late Season for Divers, Rakers and Trappers

December 2016						
S	M	Tu	W	Th	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

January 2017						
S	M	Tu	W	Th	F	S
1	2	3	4	5	6	7
	O					
8	9	10	11	12	13	14
	O					
15	16	17	18	19	20	21
	O					
22	23	24	25	26	27	28
	O					
29	30	31				
	O					

February 2017						
S	M	Tu	W	Th	F	S
			1	2	3	4
5	6	7	8	9	10	11
	O					
12	13	14	15	16	17	18
	O					
19	20	21	22	23	24	25
	O					
26	27	28				
	O					

March 2017						
S	M	Tu	W	Th	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

### Early Season for Draggers

December 2016						
S	M	Tu	W	Th	F	S
				1	2	3
				O		
4	5	6	7	8	9	10
				O		
11	12	13	14	15	16	17
				O		
18	19	20	21	22	23	24
				O		
25	26	27	28	29	30	31
				O		

February 2017						
S	M	Tu	W	Th	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
				O		
19	20	21	22	23	24	25
				O		
26	27	28				

March 2017						
S	M	Tu	W	Th	F	S
			1	2	3	4
			O	O		
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

### Late Season for Draggers

December 2016						
S	M	Tu	W	Th	F	S
				1	2	3
4	5	6	7	8	9	10
				O		
11	12	13	14	15	16	17
				O		
18	19	20	21	22	23	24
				O		
25	26	27	28	29	30	31
				O		

February 2017						
S	M	Tu	W	Th	F	S
			1	2	3	4
5	6	7	8	9	10	11
				O		
12	13	14	15	16	17	18
				O		
19	20	21	22	23	24	25
				O		
26	27	28				

March 2017						
S	M	Tu	W	Th	F	S
			1	2	3	4
				O	O	
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	



Insert this Zone 1 calendar as if underlined (at the end of Ch. 26):

# FINAL

## 2017-2018 Sea Urchin Season for Maine Zone 1

\*A Zone 1 harvester may choose to fish 15 of 20 optional days

O = Open

= Closed

### Early Season for Divers, Rakers and Trappers

### Late Season for Divers, Rakers and Trappers

September 2017						
S	M	Tu	W	Th	F	S
					1 O	2 O
3	4	5 O	6 O	7 O	8 O	9
10	11 O	12 O	13 O	14 O	15	16
17	18 O	19 O	20 O	21 O	22	23
24	25 O	26 O	27 O	28 O	29	30

October 2017						
S	M	Tu	W	Th	F	S
1	2	3	4 O	5 O	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

December 2017						
S	M	Tu	W	Th	F	S
					1	2
3	4 O	5 O	6 O	7	8	9
10	11 O	12 O	13 O	14	15	16
17	18 O	19 O	20 O	21 O	22	23
24	25 O	26	27 O	28 O	29	30
31						

February 2018						
S	M	Tu	W	Th	F	S
				1	2	3
4	5 O	6 O	7	8	9	10
11	12 O	13 O	14	15	16	17
18	19 O	20 O	21	22	23	24
25	26 O	27 O	28			

### Early Season for Draggers

### Late Season for Draggers

December 2017						
S	M	Tu	W	Th	F	S
					1 O	2 O
3	4 O	5 O	6 O	7 O	8	9
10	11 O	12 O	13 O	14 O	15 O	16
17	18 O	19 O	20 O	21 O	22 O	23
24	25 O	26	27 O	28 O	29 O	30 O
31						

February 2018						
S	M	Tu	W	Th	F	S
			1 O	2 O	3	
4	5	6	7 O	8 O	9 O	10
11	12	13	14 O	15 O	16 O	17
18	19 O	20	21 O	22 O	23 O	24
25	26	27	28 O			

March 2018						
S	M	Tu	W	Th	F	S
				1 O	2 O	3
4	5 O	6 O	7 O	8 O	9	10
11	12 O	13 O	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

Insert this Zone 2 calendar as if underlined (at the end of Ch. 26):

**FINAL**

**2017-2018 Sea Urchin Season for Maine Zone 2**

**\*A Zone 2 harvester may choose to fish 38 of 45 optional days**

**O** = Open      **□** = Closed

**Early Season for Divers, Rakers and Trappers**

September 2017						
S	M	Tu	W	Th	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

October 2017						
S	M	Tu	W	Th	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

November 2017						
S	M	Tu	W	Th	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

December 2017						
S	M	Tu	W	Th	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

**Late Season for Divers, Rakers and Trappers**

December 2017						
S	M	Tu	W	Th	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

January 2018						
S	M	Tu	W	Th	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

February 2018						
S	M	Tu	W	Th	F	S
			1	2	3	
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28			

March 2018						
S	M	Tu	W	Th	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

**EARLY Season for Draggers**

September 2017						
S	M	Tu	W	Th	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

October 2017						
S	M	Tu	W	Th	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

November 2017						
S	M	Tu	W	Th	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

December 2017						
S	M	Tu	W	Th	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

January 2018						
S	M	Tu	W	Th	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

February 2018						
S	M	Tu	W	Th	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28			

March 2018						
S	M	Tu	W	Th	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

**LATE Season for Draggers**

December 2017						
S	M	Tu	W	Th	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

January 2018						
S	M	Tu	W	Th	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

February 2018						
S	M	Tu	W	Th	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28			

March 2018						
S	M	Tu	W	Th	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

Insert this Zone 2 Whiting & Denny's Bay Limited Access Area Calendar as if underlined (at the end of Ch. 26):

**FINAL**

**2017-2018 Sea Urchin 15 DAY Season for Whiting & Denny's Bays  
LIMITED ACCESS AREA (WDB LAA)**

**O** = Open      **□** = Closed

**Early Season for Divers, Rakers and Trappers**

September 2017						
S	M	Tu	W	Th	F	S
					1	2
3	4	5	6	7	8	9
10	11	12 O	13	14	15	16
17	18	19 O	20	21	22	23
24	25	26 O	27	28	29	30

October 2017						
S	M	Tu	W	Th	F	S
1	2	3 O	4	5	6	7
8	9	10 O	11	12	13	14
15	16	17 O	18	19	20	21
22	23	24 O	25	26	27	28
29	30	31 O				

November 2017						
S	M	Tu	W	Th	F	S
				1	2	3
4	5	6	7 O	8	9	10
11	12	13	14 O	15	16	17
18	19	20	21 O	22	23	24
25	26	27	28 O	29	30	

December 2017						
S	M	Tu	W	Th	F	S
					1	2
3	4	5 O	6	7	8	9
10	11	12 O	13	14	15	16
17	18	19 O	20	21	22	23
24	25	26	27	28	29	30
31						

**Late Season for Divers, Rakers and Trappers**

December 2017						
S	M	Tu	W	Th	F	S
					1	2
3	4	5 O	6	7	8	9
10	11	12 O	13	14	15	16
17	18	19 O	20	21	22	23
24	25	26 O	27	28	29	30
31						

January 2018						
S	M	Tu	W	Th	F	S
	1	2 O	3	4	5	6
7	8	9 O	10	11	12	13
14	15	16 O	17	18	19	20
21	22	23 O	24	25	26	27
28	29	30 O	31			

February 2018						
S	M	Tu	W	Th	F	S
				1	2	3
4	5	6 O	7	8	9	10
11	12	13 O	14	15	16	17
18	19	20 O	21	22	23	24
25	26	27 O	28			

March 2018						
S	M	Tu	W	Th	F	S
				1	2	3
4	5	6 O	7	8	9	10
11	12	13 O	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

**Early Season for Dragger**

October 2017						
S	M	Tu	W	Th	F	S
1	2	3	4 O	5	6	7
8	9	10	11 O	12	13	14
15	16	17	18 O	19	20	21
22	23	24	25 O	26	27	28
29	30	31				

November 2017						
S	M	Tu	W	Th	F	S
			1 O	2	3	4
5	6	7	8 O	9	10	11
12	13	14	15 O	16	17	18
19	20	21	22 O	23	24	25
26	27	28	29 O	30		

December 2017						
S	M	Tu	W	Th	F	S
					1	2
3	4	5	6 O	7	8	9
10	11	12	13 O	14	15	16
17	18	19	20 O	21	22	23
24	25	26	27 O	28	29	30
31						

March 2018						
S	M	Tu	W	Th	F	S
				1	2	3
4	5	6	7 O	8	9	10
11	12	13	14 O	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

**Late Season for Dragger**

December 2017						
S	M	Tu	W	Th	F	S
					1	2
3	4	5	6 O	7	8	9
10	11	12	13 O	14	15	16
17	18	19	20 O	21	22	23
24	25	26	27 O	28	29	30
31						

January 2018						
S	M	Tu	W	Th	F	S
	1	2	3 O	4	5	6
7	8	9	10 O	11	12	13
14	15	16	17 O	18	19	20
21	22	23	24 O	25	26	27
28	29	30	31 O			

February 2018						
S	M	Tu	W	Th	F	S
				1	2	3
4	5	6	7 O	8	9	10
11	12	13	14 O	15	16	17
18	19	20	21 O	22	23	24
25	26	27	28 O			

March 2018						
S	M	Tu	W	Th	F	S
				1	2	3
4	5	6	7 O	8	9	10
11	12	13	14 O	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

## **Basis Statement**

This regulation establishes open harvest days for the taking of sea urchins by divers, rakers, trappers, and draggers in Zones 1 and 2 through the 2017-2018 season. In order to provide industry with greater flexibility and possibly improve roe quality, the regulation establishes the utilization of harvester swipe cards for picking days to fish. For Zone 1, 20-day seasons are established for divers, trappers, rakers and draggers in 2017-2018, from which harvesters may only fish up to 15 days of their choosing. For Zone 2, 45-day seasons are established for divers, trappers, rakers and draggers in 2017-2018, from which harvesters may only fish up to 38 days of their choosing. For the Whiting & Dennys Bays Limited Access Area in Zone 2, a 15-day season is established for Zone 2 divers, trappers, rakers and draggers in 2017-2018. This regulation establishes a limited access area in Blue Hill Bay for a Department-initiated, five year research project in collaboration with industry using Department issued spatial trackers. These management approaches were developed through a series of meetings with industry members and fishermen to determine outcomes that would be amenable to stakeholders and encourage resource preservation.

Based on comments received during the proposed rulemaking, the Department has split the proposed single Zone 2 dragger calendar into early and a late season calendars, as has been the practice in previous fishing seasons. This will address many of the commenters concerns regarding the proposed Zone 2 dragger calendar, particularly those regarding the co-occurrence of the lobster fishery in the later summer/early fall. The days chosen reflect concerns cited by fishermen during the public comment period balanced with the recommendations of the Sea Urchin Zone Council at their March 23, 2017 meeting in Brewer. Finally, the Whiting and Dennys Bay's Limited Access Area calendars were also revised to ensure that there was access in the area for both the early and late season Zone 2 draggers, as well as switching the dive days from Wednesdays to Tuesdays to minimize gear conflict and provide for safer fishing in the area.

## Summary of Comments

Notice of this proposed rulemaking appeared on May 10, 2017 in the five major daily newspapers as published by the Secretary of State. On May 10, 2017 postcards were mailed to all harvester and dealer license holders, the rule was posted on the DMR website, and electronic messages were sent to individuals who subscribe to DMR notices. Public hearings were advertised in compliance with the procedures outlined in the Maine Administrative Procedures Act and were held on May 30, 2017 at 6pm in the DMR conference room, Augusta; and May 31, 2017 at 6pm in Ellsworth City Hall (Council Chambers). The comment period closed June 12, 2017.

### Summary of Comments<sup>1</sup>

Comment Type	Total
Support the rule	1
Opposed to the rule	47
Neither for nor against the rule	2
<b>Total comments received</b>	<b>50</b>

### Attendees at May 30, 2017 Hearing (Augusta, Maine)

Name	Address and/or Affiliation
Mitchell McConnell	Lubec, Dragger
Chenda Doeur	Samaki Seafood, Buyer

**DMR Staff:** Deirdre Gilbert, Trish Cheney, Melissa Smith, Amanda Ellis, Rene Cloutier

### Attendees at May 31, 2017 Hearing (Ellsworth, Maine)

Name	Address and/or Affiliation
Edmund Bridges	Machiasport, Dragger
Billy Moore	Machiasport, Dragger
Horace Moore	Machiasport, Dragger
Larry Wood	Machiasport, Dragger
Paul Cox	Gouldsboro, Dragger
Jimmy Ackley	Dennysville, Diver
Paul Gray	Machias, Dragger
John Gray	Deer Isle, Dragger
Brian Swartz	Reporter, County Wide News
Michael McConnell	Lubec, Dragger
Mitchell McConnell	Lubec, Dragger

**DMR Staff:** Deirdre Gilbert, Trish Cheney, Melissa Smith, Amanda Ellis, Jeff Turcotte

### Comments in support of the calendar:

Chenda Doeur, Samaki Seafood, Buyer (zone 1 and 2)  
Public Hearing (Augusta) May 30, 2017  
Supports the Zone 1 calendar as proposed.

### Comments opposed to the calendar:

Mitchell McConnell, Lubec, Dragger (Zone 2)  
Public Hearing (Augusta) May 30, 2017  
*The 17 days in October and November would interfere with lobster fishing season.*

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<sup>1</sup> 14 individual comments, one comment signed by 16 individuals, one comment signed by 13 individuals, and one comment signed by seven individuals.

Larry Wood, Machiasport, Dragger (Zone 2)

Public Hearing (Ellsworth) May 31, 2017

*I want more days in October, because by March urchins are spawned out.*

Jimmy Ackley, Machias, Dragger (Zone 2), Late Season

Public Hearing (Ellsworth) May 31, 2017

*Proposed season for draggers in the late season, there is no way that can work. There is gear conflict in October and November. If we put a drag down, you guys are going to get a bunch of phone calls. So on page six of the Sea Urchin Zone Council minutes, the proposed season for buyers and processors is what we would like to see for draggers in Zone 2, which would be a Wednesday, Thursday, Friday schedule versus this other schedule where they have us going in October and November. Then they have us on a two day week, Wednesday and Thursday and there is no way that can work. If you are dragging they [buyers] will be there. I will bet on that. I guess that's it on that. On that page six schedule, I tried to work with the divers. You can't make everyone happy, but you could shift the days to later in the week for draggers when the scallop seasoning is happening.*

Tony Wood, Gouldsboro, Dragger (Zone 2), Early Season

Public Hearing (Ellsworth) May 31, 2017

*It doesn't work for anyone who is an early season dragger. I want more days in October and days to come from March, January, or February.*

Billy Moore, Machiasport, Dragger (Zone 2), Late Season

Public Hearing (Ellsworth) May 31, 2017

*On page six that calendar looks ideal, but I was confused because I was thinking you could take days from March and use them in January. Like Jimmy said we can't drag in September, October, or November other than maybe parts of Downeast. If you try that in Machiasport or Cutler there would be a war. Those December days on the page six calendar would be excellent, because prices are good around Christmas. That is probably the best time for price.*

Edmund "Teddy" Bridges, Machiasport, Dragger (Zone 2)

Public Hearing (Ellsworth) May 31, 2017

*Usually in December before Christmas, December and January, in past years we get the better money for them. Giving us six days in December is ridiculous. I agree on the buyer proposal where they are talking 13 days. Another thing I want to mention is that a lot of boats have to switch drags over because we can't have two drags on. I agree a lot with Jimmy, I think Wednesday, Thursday, and Friday would be super. That way Wednesday once you scallop you can switch your drag over. I am a true believer that in December we've got to have the 13 days, because that is when you get the best money for them.*

Michael McConnell, Lubec, Dragger (Zone 2), Late Season

Public Hearing (Ellsworth) May 31, 2017

*I want to see page six and more days in December.*

On June 8, 2017 the following calendar was received, via mail, from William Moore with 13 signatures. The signatories indicated: *We the undersigned want to have the Early and Late seasons for dragging urchins to be as shown on page 6-Draft buyer/processor Late Zone 2 calendar.* Included with the letter was a copy of the calendar, which is attached.

The signatories were: William Moore, Barry Wood, Horace Moore, Edmund Bridges, Matt Day, Dennis Moody, Wendell Davis, Kristen Porter, Patrick Taylor, Michael Porter, Larry Wood, Kenney Link, Joe Wood

On June 9, 2017 the following calendar was received, via fax, from Tracey Sawtelle with 16 signatures. The proposed calendar and list of signatories, all representing Zone 2, are included below:

## **Zone 2 Drag early/late season**

### **I. Early Drag**

October: 3,4,5,10,11,12,17,18,19,24,25,26,31 (13 days)

November: 1,2,7,8,9,14,15,16,21,22,28,29,30 (13 days)

December: 6,7,8,13,14,15,20,21,22,27,28,29 (12 days)

January: No days proposed

February: 22,23 (2 days)

March: 1,7,8,14,15 (5 days)

**45 days proposed**

### **II. Late Drag**

November: 15, 16, 22, 29, 30 (5 days)

December: 6,7,8,13,14,15,20,21,22,27,28,29 (12 days)

January: 4,5,11,12,17,18,19,24,25,26,31 (11 days)

February: 1,2,7,8,9,14,15,16,22,23 (10 days)

March: 1,2,7,8,9,14,15 (7 days)

**45 days proposed**

16 individuals that signed in support of the calendar listed above: Tracey Sawtelle, Ricky Wright, Danny Jodway, Danny Fitzsimmons, Martin Cassidy, Jonathan Wallace, David McCurdy, Dexter Fletcher, Randy Wright, Joshua Lyons, Dana Maker, Milton Chute, Byron Mathews, Mitch McConnell, Mike McConnell, and Marrel Matthews

Rachel Hutchinson, Stonington, Urchin Buyer

Email comment and petition received on June 10, 2017

The petition was signed by seven draggers who support the Zone 2 dragger late season as developed at the March 16, 2017 buyer and processor meeting. The text of the petition and signatories is included after Ms. Hutchinson's comment.

*Amanda Ellis, good morning. My name is Rachael Hutchinson and I am from Stonington Maine. I am a primary sea urchin buyer from Stonington and sell our product in Portland to Atchan Tamaki.*

*During the month of March when the new calendar was being discussed my husband and I were on vacation so I was unable to attend the meeting. I did miss the last meeting due to a family issue. However, one of the men who's urchins I take to Portland was able to attend and brought to our attention the proposal of an open season for urchin draggers. We, as a group would like to oppose the ones season for draggers and oppose the calendar that was proposed by urchin divers. There are several reasons as follows...*

*1. Because of the season starting in October, most of our draggers here in Stonington are still lobstering. The majority will still have gear in the water until December/January. October is a very good lobstering month and the guys will be most likely using the good days to lobster. Also, if they are urchining, there will be gear conflict with other lobsterman. It will be impossible to tow for urchins with lobster traps still in the water. Traditionally, urchin row does not really have a high percentage rate early in the season. That is why almost all of our guys here fish the late season.*



2. An excess of days in October and November and only 6 in December when the urchins are starting to come around is not expectable. The month of December is when the fisherman from Stonington are used to starting, if they are just starting on 6 days it does not make much sense to even start.

3. The buyers and processors will be affected as well. There isn't as many buyers around our area now and with less fishermen apt to urchin due to one season and limited days when it counts it will have an impact down the line.

*Perhaps I am wrong in my understanding of the last urchin counsel meeting but I was told the urchin divers are for the draggers to have one open season and helped set up the calendar for the open season. If I am wrong in my understanding of this I am sorry, however, if I am right we would like a chance for our voices to be heard. Urchin draggers are a vital part of this fishing industry, as are the urchin divers. Urchin divers seem to want a huge foot hold in the industry and already get preferential treatment from other buyers. There is an assumption that their urchins are better than dragged eggs and if a buyer thinks urchins are dived for the pay is better. An urchin dragger takes great pains to make sure his drag does not harm the urchins and also great care in how the drag effects the ocean floor. An urchin dragger can only have seven totes of urchins in his possession at a time, fishing for seven totes can be expensive for one boat, one fisherman with one license. A diver can go out with several other divers and share the cost and each diver have their own seven totes. So to wrap up I have attached a list with names and license numbers of draggers from Stonington and the proposed calendar from the buyers/processors that we would like to see for the 2017/2018 season.*

The petition, submitted by Ms. Hutchinson, was signed by seven draggers from the Stonington area and reads: *We are in favor for 2017-18 season to be drafted as page 6 zone 2 dragger late season.*

Those who signed: Paul Gray, Michael Hutchinson, Tim Robbins, Lawrence Bray, Larry Spencer, Frank Peasley, and Michal Eaton.

#### **Comments neither for nor against the calendar:**

Dick Eaton, Stonington, Urchin Tender  
May 18, 2017 via email

*thx trish im am grateful for the right way of explaining the new laws like i was saying back yrs ago i wanted a urchin draggers licinse but they put modertoruim on the licence im again grateful for u listening to me i really think were ive been in the fishery before u even needed a licinse i had my comercail licinse since then ive help my tenders licence for urchins n scallops n feel that i should b very eligable for the new urchin draggers licence ive been doing this fishery for over 30yrs n before they put a limit or moderturaim on it i really wanted the draggers licence like to b on my own to support my family as i have for yrs with this fishery please take in consideration im probly the oldest urchin tender n the state of maine n always wanting my urchin dragging licence the state took that chance away when i wanted it i was told i didnt need my licence were i have already been n the fishery thx for listen to me again im grateful n would really love to b one of the newer urchin draggers n the state of maine. I would also like to know of any up coming meetings so i can be more involved.*

Paul Gray, Deer Isle, Dragger (Zone 2), Late Season  
Public Hearing (Ellsworth) May 31, 2017

*The swipe cards seemed to work great. I didn't have any issues with it. We don't want Blue Hill Bay shut down.*

#### **Department's responses to comments:**

*The proposed calendars were developed at the Sea Urchin Zone Council meeting in Ellsworth on March 23, 2017. At the March 23, 2017 meeting there was limited representation from draggers. After the meeting, the*

*Department had to modify the Zone 2 drag calendar because dragging is prohibited in September. The proposed calendar attempted to balance the needs of dealers, who wanted set buyer days with the needs of harvesters, who wanted accommodation for their fishing schedules. Based on the comments received, the Department has modified the calendars to reflect Zone 2 dragger feedback and split the proposed single Zone 2 dragger calendar into early and a late season calendars, as has been the practice in previous fishing seasons. This will address many of the commenters concerns regarding the proposed Zone 2 dragger calendar, particularly those regarding the co-occurrence of the lobster fishery in the later summer/early fall. The days chosen reflect concerns cited by fishermen during the public comment period balanced with the recommendations of the Sea Urchin Zone Council at their March 23, 2017 in Brewer. Finally, the Whiting and Dennys Bay's Limited Access Area calendars were also revised to ensure that there was access in the area for both the early and late season Zone 2 draggers, as well as switching the dive days from Wednesdays to Tuesdays to minimize gear conflict and provide for safer fishing in the area.*

**Revisions based on comments**

**2017-2018 Sea Urchin Season for Maine Zone 2**

O = Open       = Closed

**Early Season for Divers, Rakers and Trappers**

September 2017							October 2017							November 2017							December 2017											
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	1	2	3	4	5	6	7	1	2	3	4									1	2					
3	4	5	6	7	8	9	8	9	10	11	12	13	14	5	6	7	8	9	10	11	3	4	5	6	7	8	9					
10	11	12	13	14	15	16	15	16	17	18	19	20	21	12	13	14	15	16	17	18	10	11	12	13	14	15	16					
17	18	19	20	21	22	23	22	23	24	25	26	27	28	19	20	21	22	23	24	25	17	18	19	20	21	22	23					
24	25	26	27	28	29	30	29	30	31					26	27	28	29	30			24	25	26	27	28	29	30					
																										31						

**Late Season for Divers, Rakers and Trappers**

December 2017							January 2018							February 2018							March 2018											
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	1	2	3	4	5	6	1	2	3										1	2	3					
3	4	5	6	7	8	9	7	8	9	10	11	12	13	4	5	6	7	8	9	10	4	5	6	7	8	9	10					
10	11	12	13	14	15	16	14	15	16	17	18	19	20	11	12	13	14	15	16	17	11	12	13	14	15	16	17					
17	18	19	20	21	22	23	21	22	23	24	25	26	27	18	19	20	21	22	23	24	18	19	20	21	22	23	24					
24	25	26	27	28	29	30	28	29	30	31				25	26	27	28				25	26	27	28	29	30	31					
31																																

**EARLY Season for Draggers**

September 2017							October 2017							November 2017							December 2017											
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	1	2	3	4	5	6	7	1	2	3	4									1	2					
3	4	5	6	7	8	9	8	9	10	11	12	13	14	5	6	7	8	9	10	11	3	4	5	6	7	8	9					
10	11	12	13	14	15	16	15	16	17	18	19	20	21	12	13	14	15	16	17	18	10	11	12	13	14	15	16					
17	18	19	20	21	22	23	22	23	24	25	26	27	28	19	20	21	22	23	24	25	17	18	19	20	21	22	23					
24	25	26	27	28	29	30	29	30	31					26	27	28	29	30			24	25	26	27	28	29	30					
																										31						

January 2018							February 2018							March 2018						
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				1	2	3				1	2	3		
7	8	9	10	11	12	13	4	5	6	7	8	9	10	4	5	6	7	8	9	10
14	15	16	17	18	19	20	11	12	13	14	15	16	17	11	12	13	14	15	16	17
21	22	23	24	25	26	27	18	19	20	21	22	23	24	18	19	20	21	22	23	24
28	29	30	31				25	26	27	28				25	26	27	28	29	30	31

**LATE Season for Draggers**

September 2017							October 2017							November 2017							December 2017											
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	1	2	3	4	5	6	7	1	2	3	4									1	2					
3	4	5	6	7	8	9	8	9	10	11	12	13	14	5	6	7	8	9	10	11	3	4	5	6	7	8	9					
10	11	12	13	14	15	16	15	16	17	18	19	20	21	12	13	14	15	16	17	18	10	11	12	13	14	15	16					
17	18	19	20	21	22	23	22	23	24	25	26	27	28	19	20	21	22	23	24	25	17	18	19	20	21	22	23					
24	25	26	27	28	29	30	29	30	31					26	27	28	29	30			24	25	26	27	28	29	30					
																										31						

January 2018							February 2018							March 2018						
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				1	2	3				1	2	3		
7	8	9	10	11	12	13	4	5	6	7	8	9	10	4	5	6	7	8	9	10
14	15	16	17	18	19	20	11	12	13	14	15	16	17	11	12	13	14	15	16	17
21	22	23	24	25	26	27	18	19	20	21	22	23	24	18	19	20	21	22	23	24
28	29	30	31				25	26	27	28				25	26	27	28	29	30	31

**Revisions based on comments**

**2017-2018 Sea Urchin 15 DAY Season for Whiting & Dennys Bays  
LIMITED ACCESS AREA (WDB LAA)**

O = Open      = Closed

**Early Season for Divers, Rakers and Trappers**

September 2017							October 2017							November 2017							December 2017						
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	1	2	3	4	5	6	7	1	2	3	4	5	6	7	1	2	3	4	5	6	7
3	4	5	6	7	8	9	8	9	10	11	12	13	14	5	6	7	8	9	10	11	3	4	5	6	7	8	9
10	11	12	13	14	15	16	15	16	17	18	19	20	21	12	13	14	15	16	17	18	10	11	12	13	14	15	16
17	18	19	20	21	22	23	22	23	24	25	26	27	28	19	20	21	22	23	24	25	17	18	19	20	21	22	23
24	25	26	27	28	29	30	29	30	31					26	27	28	29	30			24	25	26	27	28	29	30
																					31						

**Late Season for Divers, Rakers and Trappers**

December 2017							January 2018							February 2018							March 2018						
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	1	2	3	4	5	6	1	2	3	1	2	3	1	2	3						
3	4	5	6	7	8	9	7	8	9	10	11	12	13	4	5	6	7	8	9	10	4	5	6	7	8	9	10
10	11	12	13	14	15	16	14	15	16	17	18	19	20	11	12	13	14	15	16	17	11	12	13	14	15	16	17
17	18	19	20	21	22	23	21	22	23	24	25	26	27	18	19	20	21	22	23	24	18	19	20	21	22	23	24
24	25	26	27	28	29	30	28	29	30	31				25	26	27	28	29	30	31	25	26	27	28	29	30	31

**Season for Draggers**

December 2017							January 2018							February 2018							March 2018						
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	1	2	3	4	5	6	1	2	3	1	2	3	1	2	3						
3	4	5	6	7	8	9	7	8	9	10	11	12	13	4	5	6	7	8	9	10	4	5	6	7	8	9	10
10	11	12	13	14	15	16	14	15	16	17	18	19	20	11	12	13	14	15	16	17	11	12	13	14	15	16	17
17	18	19	20	21	22	23	21	22	23	24	25	26	27	18	19	20	21	22	23	24	18	19	20	21	22	23	24
24	25	26	27	28	29	30	28	29	30	31				25	26	27	28	29	30	31	25	26	27	28	29	30	31

**Early Season for Draggers**

October 2017							November 2017							December 2017							March 2018						
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	6	7	1	2	3	4	5	6	7	1	2	3				
8	9	10	11	12	13	14	5	6	7	8	9	10	11	3	4	5	6	7	8	9	4	5	6	7	8	9	10
15	16	17	18	19	20	21	12	13	14	15	16	17	18	10	11	12	13	14	15	16	11	12	13	14	15	16	17
22	23	24	25	26	27	28	19	20	21	22	23	24	25	17	18	19	20	21	22	23	18	19	20	21	22	23	24
29	30	31					26	27	28	29	30			24	25	26	27	28	29	30	25	26	27	28	29	30	31
														31													

**Late Season for Draggers**

December 2017							January 2018							February 2018							March 2018						
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	1	2	3	4	5	6	1	2	3	1	2	3	1	2	3						
3	4	5	6	7	8	9	7	8	9	10	11	12	13	4	5	6	7	8	9	10	4	5	6	7	8	9	10
10	11	12	13	14	15	16	14	15	16	17	18	19	20	11	12	13	14	15	16	17	11	12	13	14	15	16	17
17	18	19	20	21	22	23	21	22	23	24	25	26	27	18	19	20	21	22	23	24	18	19	20	21	22	23	24
24	25	26	27	28	29	30	28	29	30	31				25	26	27	28	29	30	31	25	26	27	28	29	30	31

*The Department will be discussing entry into the urchin fishery at future Sea Urchin Zone Council meetings.*

# 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

STATUTORY AUTHORITY: 12 M.R.S. § 6749 § 6173

DATE AND PLACE OF PUBLIC HEARING(S): **May 30, 2017 at 6:00 p.m.:** DMR Conference Room, Marquardt Building, 32 Blossom Lane, Augusta; **May 31, 2017 at 6:00 p.m.:** Ellsworth City Hall (Council Chambers), One City Hall Plaza, Ellsworth

COMMENT DEADLINE: **June 12, 2017**

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

This regulation would establish open harvest days for the taking of sea urchins by divers, rakers, trappers, and draggers in Zones 1 and 2 for the 2017-2018 season. It also establishes the utilization of harvester swipe cards for picking days to fish. This is a pilot project which aims to evaluate the swipe card system which could potentially provide industry the flexibility to fish in a more safe manner and to increase sea urchin roe quality.

For Zone 1, 20-day seasons are proposed for divers, trappers, rakers and draggers in 2017-2018, from which harvesters may only fish up to 15 days of their choosing, the same number of days allowed during the 2016-2017 season. The Sea Urchin Zone Council recommended the selection of these particular days. Divers, rakers and trappers may fish 15 days beginning in September into October (“early season”), or 15 days in December and February (“late season”); and, draggers may fish 15 days in December (“early season”), or February and March (“late season”).

For Zone 2, 45-day seasons are proposed for divers, trappers, rakers and draggers in 2017-2018, from which harvesters may only fish up to 38 days of their choosing, the same number of days allowed during the 2016-2017 season. The Sea Urchin Zone Council recommended the selection of these particular days for divers, rakers and trappers who may fish 38 days in September through December (“early season”), or 38 days in December through March (“late season”). Based on the recommendation and discussions at the most recent Sea Urchin Zone Council meeting, the Department proposes a single season calendar for Zone 2 draggers, who may fish 38 days beginning in mid-October through to March.

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 2017-2018, which is six additional days compared to the 2016-17 season. Zone 2 divers, rakers and trappers may fish 15 days in October, November and December (“early season”), or 15 days in December, January, February and March (“late season”); Zone 2 draggers would have 15 days in November, December, January, February and March. The particular days mirror days which the Sea Urchin Zone Council recommended for the Zone 2 season calendars

This regulation also establishes a limited access area in Blue Hill Bay for a Department-initiated, five year collaborative, research project in which industry partners are provided with spatial trackers. The goal of this project is to gain insight into the dynamics between fishery removals and the resource at the reef level. The spatial tracker must be turned on and continuously recording data for the entire duration of each season, chosen by the harvester. Scientific evidence indicates that a critical mass of sea urchins is required to maintain a productive “barren”, urchin’s preferred habitat. Information collected through this project will assist in establishing optimum harvesting strategies which could help the fishery rebuild and support potential new entrants.

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)]

This proposed rule seeks to conserve the sea urchin resource for utilization in the future; if it is successful in doing so it will have a positive impact on small business (sea urchin harvesters and sea urchin processors) in the long term. The Department worked with the Sea Urchin Zone Council to develop this combination of proposed rule changes

**BRIEF SUMMARY OF RELEVANT INFORMATION CONSIDERED DURING DEVELOPMENT OF THE RULE**

This regulation would establish open harvest days for the taking of sea urchins by divers, rakers, trappers, and draggers in Zones 1 and 2 for the 2017-2018 season. It also establishes the utilization of harvester swipe cards for picking days to fish. This is a pilot project which aims to evaluate the swipe card system which could potentially provide industry the flexibility to fish in a safer manner and to increase roe quality. For Zone 1, 20-day seasons are proposed for divers, trappers, rakers and draggers in 2017-2018, from which harvesters may only fish up to 15 days of their choosing, the same number of days allowed during the 2016-2017 season. For Zone 2, 45-day seasons are proposed for divers, trappers, rakers and draggers in 2017-2018, from which harvesters may only fish up to 38 days of their choosing, the same number of days allowed during the 2016-2017 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 2017-2018, which is six additional days compared to the 2016-17 season. This regulation also establishes a limited access area in Blue Hill Bay for a Department-initiated, five year research project in collaboration with industry partners provided with spatial trackers.

**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)]