

NOTICE OF AGENCY RULE-MAKING ADOPTION

AGENCY: Department of Marine Resources

CHAPTER NUMBER AND TITLE: Chapter 25.04 Lobster Trawl Limits Hancock County

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

CONCISE SUMMARY:
This rule modifies an existing 3-trap maximum in Zone B to a 5-trap maximum to comply with the new Atlantic Large Whale Take Reduction Team rule.

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

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Please approve bottom portion of this form and assign appropriate MFASIS number.

APPROVED FOR PAYMENT _____					DATE: _____
FUND	AGENCY	S-UNIT	APP	OBJT	AMOUNT
010	13A	1120	10	4946	regulations

Please forward invoice to: Natural Resource Service Center, 155 SHS, Augusta

25.04 Lobster Trawl Limits

A. Casco Bay

It shall be unlawful to have on any trawl more than 12 lobster traps in waters within the following area: Starting at Martin Point, Portland; southeasterly to the northern end of House Island, Portland; thence southeasterly to the northeast point of White Head, Cushing Island, Portland; thence easterly to the southwest point of outer Green Island; thence easterly to the light at Halfway Rock; thence northwesterly to the Green Island Ledge Buoy; thence northwesterly to Parker Point, Yarmouth.

B. It is unlawful to have on any trawl more than 3 lobster traps in the following areas:

1. West of Cape Elizabeth and east of Kittery. Westerly of a line drawn from the active lighthouse at Two Lights in Cape Elizabeth through the Hue and Cry Buoy and, continuing in a straight line, to the point of intersection with the 3-nautical-mile line, and northerly and easterly of a line running between the Kitts Rocks Whistle Buoy and the West Sister Buoy and extending westerly to the New Hampshire border, and from the West Sister Buoy to the Murray Rock Buoy and thence to and through the lighthouse on Boone Island and, continuing in a straight line, to the point of intersection with the 3-nautical-mile line;
2. Between Pemaquid and Robinson's Points. Between the following lines:
 - A. Beginning at a point 48 miles true north of the lighthouse on Pemaquid Point, Lincoln County; thence true south through the lighthouse to a point of intersection with the 3-nautical-mile line; and
 - B. Beginning at a point 40 miles true north from the lighthouse at Robinson's Point, Isle au Haut, Knox County; thence true south through the lighthouse to a point of intersection with the 3-nautical-mile line; and
3. Off Hancock County and within the following areas. Beginning at the Southern tip of Schoodic Point at $44^{\circ} 19.900' N$ and $068^{\circ} 03.609' W$; proceeding in a southeasterly direction along the Zone A/B line to its intersection with the ~~Maine Six Mile line~~ three mile line at $44^{\circ} 8.64' N, 67^{\circ} 59.19' W$ $44^{\circ} 16.45' N, 68^{\circ} 2.24' W$; thence running in a southwesterly direction along the ~~Maine Six Mile Line~~ three mile line, as described in DMR Chapter 75.01 ~~A-6-A-8~~, to its intersection with the lobster Zone B/C line at $43^{\circ} 54.452' N$ and $068^{\circ} 25.708' W$ $44^{\circ} 1.994' N$ and $68^{\circ} 28.581' W$ thence; thence following the B/C line to latitude $44^{\circ} 01.376' N$ and $068^{\circ} 28.396' W$; thence running west to the point of intersect with the line described in subsection 2, paragraph B; and then following that line north to its point of origin 40 miles true north of the lighthouse at Robinson's Point, Isle Au Haut, Knox County

C. ~~Effective October 1, 2018, it~~ It is unlawful to have on any trawl more than 5 lobster traps in the following area off Hancock County:

- A. From the intersection of the eastern boundary of Lobster Zone B with the Maine Six Mile Line at $44^{\circ} 8.64' N, -67^{\circ} 59.19' W$, proceeding in a southerly direction for ~9.2 NM along the eastern boundary of Lobster Zone B to $43^{\circ} 59.75' N, 67^{\circ} 55.72' W$, then ~6.7 NM southwesterly to $43^{\circ} 56.0' N, 68^{\circ} 3.26'$, thence True west to a point on the Mount Desert Rock 3NM line at $43.0^{\circ} 56.0' N, 68.0^{\circ} 4.63' W$, following the 3NM line to $43.0^{\circ} 56.0' N, 68.0^{\circ} 10.84' W$, continuing True west to

the Maine Six Mile line at 43.0° 56.0' N, 68.0° 23.04' W. Thence following the Maine Six Mile line in a northeast direction back to 44° 8.64' N, 67° 59.19' W.

B. In Maine Lobster Zone B described in 25.94 (2)(b), between the “three nautical mile line” described in 75.01 (A)(8) and the Maine six mile line described in 75.01 (A)(6).

D. Beals Island to Libby Island, Washington County

It shall be unlawful to have on any trawl more than 4 lobster traps in waters within the following area: A line starting at the Southeast tip of Kelly Point, Jonesport, thence following a southerly direction on a course of 170 degrees True to the most southern end of Freeman Rock, Jonesport (southwest of Moose Peak Light) as identified on National Oceanic and Atmospheric Administration nautical charts. Thence following a compass course 60 degrees True to the geographic coordinates N 44° 32.6' W 67° 21.1', Datum WGS84 (Loran 12009.5 25741.5). Thence following a compass course of 305 degrees True to the most southern tip of Cow Point, Roque Bluffs.

E. Kittery

It is unlawful to have on a trawl more than 10 lobster traps in the waters southerly of a line running between the Kitts Rocks Whistle Buoy and the West Sister Buoy and extending westerly to the New Hampshire border, and from the West Sister Buoy to the Murray Rock Buoy and thence to and through the lighthouse on Boone Island and, continuing in a straight line, to the point of intersection with the 3-nautical-mile line. Each trawl set in this area must be marked on each end with at least one buoy with a buoy stick of at least 4 feet in length.

F. Linekin Bay

It is unlawful to fish for or take lobsters with more than two traps on any one line or buoy in the waters of Linekin Bay, Lincoln County, inside and northerly of a line drawn as follows: starting at the southern tip of Spruce Point, Boothbay Harbor, southerly to a red navigational buoy #N"Z"; thence southeasterly to a black navigational buoy #C"1"; thence easterly to the northern tip of Negro Island; thence true east to Linekin Neck, Boothbay.

G. Sheepscot Bay and Sequin Island Area

It is unlawful to have on any trawl more than three lobster and crab traps or shrimp traps in coastal waters inside and upstream of the following line: starting at the southern tip of Indiantown Island, Boothbay; thence southerly to the northernmost point on Cameron Point, Southport; then starting at the southwest point of Southport; thence southeast to the Cuckolds; thence southerly 188°T. to the territorial limits of the State (LORAN C coordinates 13054.5 and 25904.0); thence westerly to Mile Ledge Bell R20ML; thence northwesterly to the navigational buoy C (1JK) Jackknife Ledge; thence northerly to the southern tip of Wood Island; thence northerly from the northern tip of Wood Island to the most southeast point on Popham Beach, Phippsburg.

Basis Statement:

This rule modifies an existing 3-trap maximum in Zone B to a 5-trap maximum to comply with the new Atlantic Large Whale Take Reduction Team rule.

Summary of Comments:

Notice of this proposed rulemaking appeared on February 23, 2022 in the 5 major daily newspapers as published by the Secretary of State. On February 23, 2022, the rule was posted on the DMR website, and electronic messages were sent to individuals who subscribe to DMR notices. The public hearing was held as follows: March 15, 2022, 5:00 PM, virtually via Microsoft TEAMS. The comment period closed March 28, 2022.

Attendance at the Public Hearing:

Members of the Public	DMR Staff
<p>Jason, Jordan Andrews, Pete Benoit (King Senate), Matt Gilley, NEWS CENTER Maine, John Stanley, Chuck Plummer, Vince Bosso, Marshall, Steve Rosen, Fred Bever, Rep. Jay McCreight, James Morris, Kathleen Collins, Thomas Hanson</p> <p><i>Note: The names listed above reflect the information the participant provided when they signed into the remote proceeding. Some participants did not provide a last name or other identifying information.</i></p>	<p>Amanda Ellis, Megan Ware, Deirdre Gilbert, Jeff Nichols, Lorraine Morris, Troy Dow, Daniel White, Erin Wilkinson,</p>

Richard Howland, submitted via email, March 25, 2022

I am writing on behalf of the fisherman that I represent in Zone B, Regarding the changes to the trap configuration minimum and maximum as referenced in chapter 25.

Over the last six years we have worked very diligently in the zone, trying to come up with a solution that works for all fishermen, smaller boats bigger boats, and everything in between. The minimum and maximums that we established, seem to work very well for everybody. So I want to speak on behalf of these changes, that would still make us compliant with the new whale regulations but also allow us to still use a system that works very well for us. Thank you for your time I hope these changes are able to be written into law I know the majority of the zone is hoping the same.

DMR Response to Comments

There was one comment submitted in support of the 5-trap trawl maximum. The proposed rule was initiated by the Zone B Council in accordance with 12 M.R.S. §6447, which gives all councils the authority, upon approval in a referendum, to propose rules to the Commissioner. The Zone B Council proposed a 5-trap trawl maximum from the three-mile line to the six-mile line. The 2021 Atlantic Large Whale Take Reduction Plan regulations requires a 5-trap trawl minimum with one endline in the proposed area with the implementation date of May 1, 2022. Fishing a 5-trap maximum trawl with one endline in this area is compliant and well within the federal whale rule requirements.

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 25 Zone B Trawl Limits

STATUTORY AUTHORITY: 12 MRS 6171

DATE AND PLACE OF PUBLIC HEARING(S): March 15, 2022, 5:30 p.m. remotely via Microsoft Teams. Remote access information is posted to DMR's website under "Meetings." An alternate public hearing may be held at 5:30 p.m. on March 17, 2022 in the same format. Notice of a cancellation would be posted to DMR's website.

COMMENT DEADLINE: March 28, 2022

PRINCIPAL REASON(S) OR PURPOSE FOR PROPOSING THIS RULE: [see §8057-A(1)(A)&(C)] In Zone B, there was an area with an existing 3 trap trawl maximum that needed to be modified in order to comply with a new 5 trap trawl minimum in the 2021 Atlantic Large Whale Take Reduction Plan final rule. The Zone B Council requested that the area from 3 to 6 mile nautical line where there is a 5 trap minimum have a 5 trap maximum.

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)] Fishermen in Zone B will be required to fish 5 trap trawls in the areas specified.

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]: The 2021 Atlantic Large Whale Take Reduction Plan final rule, the Zone B Council, and Maine Marine Patrol.

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)]