

NOTICE OF AGENCY RULE-MAKING ADOPTION

AGENCY: Department of Marine Resource

CHAPTER NUMBER AND TITLE: Chapter 26 - Sea Urchin 2023-2024 Season

CONCISE SUMMARY:

This regulation establishes open harvest days and tote limits for the taking of sea urchins by divers, rakers, trappers, and draggers in Zones 1 and 2 for the 2023-2024 season. For Zone 1, a season is established for divers, trappers, rakers and draggers from which harvesters may only fish up to 15 days of their choosing, the same number of days allowed during the 2022-2023 season. For Zone 1, the daily tote limit is nine (9), the same as in the 2022-2023 season. For Zone 2, 40-day seasons are established for divers, trappers, rakers and draggers, from which harvesters may only fish up to 30 days of their choosing, the same number of fishing days and opportunity days as the 2022-2023 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 2023-2024. For Zone 2, the daily tote limit is six (6), the same as in the 2022-2023 season.

ADOPTED RULE NUMBER:

(LEAVE BLANK-ASSIGNED BY SECRETARY OF STATE)

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

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

010 13A 1120 10 4946 regulations

26.07 Sea Urchin Harvesting Season 2023-2024 ~~2022-2023~~ pursuant to 12 M.R.S. §6749.

Harvesters may choose 15 of the available days in Zone 1 and 30 of the potential 40 available days in Zone 2.

1. Zone 1 [as defined by 12 M.R.S. §6749-N(1)]. Harvesters may choose 15 of the available fishing days.

A. One season for divers, trappers, rakers and draggers

The Zone 1 season for all sectors, who have certified Zone 1 on forms provided by the Commissioner, is open Mondays, Tuesdays, Wednesdays, Thursdays and Fridays in October, November and December 2023, and January and February 2024. Divers, trappers, rakers and draggers may fish no more than 15 of these 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 Mondays, Tuesdays, Wednesdays, Thursdays and Fridays in September and October, 2022. 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 Mondays, Tuesdays, Wednesdays, Thursdays and Fridays in December, 2022; and January and February 2023. Divers, trappers, and rakers may fish no more than 15 of these days.~~

~~C. Season for draggers [in accordance with 12 M.R.S. §6749 V]~~

~~The Zone 1 season for draggers is open Mondays, Tuesdays, Wednesdays, Thursdays and Fridays in December, 2022; and January and February 2023. Draggers may fish no more than 15 of these days.~~

~~D. Designation of Zone 1 early or late season:~~

- ~~(1) A diver, trapper, or raker 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 1st and August 15th 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 may choose 30 of the potential 40 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 Tuesdays, Wednesdays and Thursdays in October and November 2023, with the exception of being open on Monday, November 20 and closed on Thursday November 23, 2023; and Wednesdays, Thursdays and Fridays in December 2023. Divers, trappers, and rakers may fish no more than 30 of these days.

B. Late season for divers, trappers and rakers

The Zone 2 season for divers, trappers and rakers who have certified the late season on forms provided by the Commissioner, is open Tuesdays, Wednesdays and Thursdays in December 2023; Tuesdays, Wednesdays and Thursdays in January 2023 and February 2023, except February 20, 21, and 22, 2024, which shall be closed; and March 5, 6, 12, and 13, 2024. Divers, trappers, and rakers may fish no more than 30 of these days.

C. Early season for draggers

The Zone 2 season for draggers who have certified the early season on forms provided by the Commissioner, is open Tuesdays, Wednesdays, and Thursdays in October and November 2023, except Tuesday, November 14 and Thursday, November 23, 2023 which shall remain closed; Thursdays and Fridays in December 2023; and January 4, 5, 11, 12, 18 and 19, 2024. Draggers may fish no more than 30 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 14, 15, 21, 22, 27, 28 and 29, 2023; Wednesdays, Thursdays and Fridays in January 2024; Tuesdays, Wednesdays, Thursdays and Fridays in February 2024, except February 6, 13 and 23, 2024, which shall remain closed; and March 5, 6, 7, 12, 13, and 14, 2024. Draggers may fish no more than 30 of these 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 27 and 28, 2022; Tuesdays, Wednesdays and Thursdays in October 2022; November 1, 2, 3, 8, 9, 10, 15, 16, 17, 21, 22, 23 and 30, 2022; and, December 1, 6, 7, 8, 12, 13, 14, 15, 19, 20, 21, 27 and 28, 2022. Divers, trappers, and rakers may fish no more than 30 of these days.~~

~~_____ B. _____ Late season for divers, trappers and rakers~~

~~_____ The Zone 2 season for divers, trappers and rakers who have certified the late season on forms provided by the Commissioner, is open Tuesdays, Wednesdays and Thursdays in December 2022, except for December 1, 2022 which shall be closed; Tuesdays, Wednesdays and Thursdays in January 2023 and February 2023, except February 21, 22 and 23, 2023 which shall be closed; and March 1, 2, 7, 8, 14 and 15, 2023. Divers, trappers, and rakers may fish no more than 30 of these days.~~

~~_____ C. _____ Early season for draggers~~

~~_____ The Zone 2 season for draggers who have certified the early season on forms provided by the Commissioner, is open Tuesdays, Wednesdays, and Thursdays in October 2022; November 2, 3, 8, 9, 10, 16, 17, 22, 23, 29, 30, 2022; Thursdays and Fridays in December 2022 and also Wednesday, December 21, 2022; and January 5, 6, 12, 13, 19, and 20, 2023. Draggers may fish no more than 30 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 November 30, 2022; Wednesdays, Thursdays and Fridays in December 2022; Wednesdays, Thursdays and Fridays in January and February 2023; and January 24, 2023. Draggers may fish no more than 30 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 30 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 ~~September 27 and 28, 2022~~; Wednesdays in October, and November and December 2023; and also October 17 and 24, 2023, 2022; October 18 and 25, 2022; and December 7 and 14, 2022.

- 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 ~~2023 2022~~, Tuesdays in January and February ~~2024 2023~~, except Tuesday, February ~~20, 2024 21, 2023~~, which shall be closed; Wednesday, February ~~14, 2024 15, 2023~~ and March ~~5 and 12, 2024. 7, and 14, 2023.~~

- 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 Thursdays in October, November and December ~~2023 2022~~, except November ~~23, 2024 24, 2022~~ which shall be closed; and January ~~4, 11 and 18, 2024. 5, 12, and 19, 2023.~~

- 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 Thursdays in December, ~~2023 2022~~; Thursdays in January,

and February ~~2024~~ 2023; and March 7 and 14, 2024. ~~January 4, 2023 and~~
February 1, 2023.

Underline as new:

2022 - 2023 Sea Urchin Season for Maine Zone 1

A Zone 1 harvester may choose to fish 15 of the open days

O = open

 = closed

One Season for Divers, Rakers, Trappers and Draggers

October 2023						
S	M	Tu	W	Th	F	S
1	2 O	3 O	4 O	5 O	6 O	7
8	9 O	10 O	11 O	12 O	13 O	14
15	16 O	17 O	18 O	19 O	20 O	21
22	23 O	24 O	25 O	26 O	27 O	28
29	30 O	31 O				

November 2023						
S	M	Tu	W	Th	F	S
			1 O	2 O	3 O	4
5	6 O	7 O	8 O	9 O	10 O	11
12	13 O	14 O	15 O	16 O	17 O	18
19	20 O	21 O	22 O	23 O	24 O	25
26	27 O	28 O	29 O	30 O		

December 2023						
S	M	Tu	W	Th	F	S
					1 O	2
3	4 O	5 O	6 O	7 O	8 O	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 O	27 O	28 O	29 O	30
31						

January 2024						
S	M	Tu	W	Th	F	S
	1 O	2 O	3 O	4 O	5 O	6
7	8 O	9 O	10 O	11 O	12 O	13
14	15 O	16 O	17 O	18 O	19 O	20
21	22 O	23 O	24 O	25 O	26 O	27
28	29 O	30 O	31 O			

February 2024						
S	M	Tu	W	Th	F	S
				1 O	2 O	3
4	5 O	6 O	7 O	8 O	9 O	10
11	12 O	13 O	14 O	15 O	16 O	17
18	19 O	20 O	21 O	22 O	23 O	24
25	26 O	27 O	28 O	29 O		

Underline as new:

2023 - 2024 Sea Urchin Season for Maine Zone 2

A Zone 2 harvester may choose to fish 30 of the 40 open days

O = open = closed

Early Season for Divers, Rakers, and Trappers

October 2023						
S	M	Tu	W	Th	F	S
1	2	3 O	4 O	5 O	6	7
8	9	10 O	11 O	12 O	13	14
15	16	17 O	18 O	19 O	20	21
22	23	24 O	25 O	26 O	27	28
29	30	31 O				

November 2023						
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	20 O	21 O	22 O	23	24	25
26	27	28 O	29 O	30 O		

December 2023						
S	M	Tu	W	Th	F	S
					1 O	2
3	4	5	6 O	7 O	8 O	9
10	11	12	13 O	14 O	15 O	16
17	18	19	20 O	21 O	22 O	23
24	25	26	27 O	28 O	29 O	30
31						

Late Season for Divers, Rakers, and Trappers

December 2023						
S	M	Tu	W	Th	F	S
					1	2
3	4	5 O	6 O	7 O	8	9
10	11	12 O	13 O	14 O	15	16
17	18	19 O	20 O	21 O	22	23
24	25	26 O	27 O	28 O	29	30
31						

January 2024						
S	M	Tu	W	Th	F	S
	1	2	3	4 O	5	6
7	8	9 O	10 O	11 O	12	13
14	15	16 O	17 O	18 O	19	20
21	22	23 O	24 O	25 O	26	27
28	29	30 O	31 O			

February 2024						
S	M	Tu	W	Th	F	S
				1 O	2	3
4	5	6 O	7 O	8 O	9	10
11	12	13 O	14 O	15 O	16	17
18	19	20 O	21 O	22 O	23	24
25	26	27 O	28 O	29 O		

March 2024						
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	20 O	21 O	22	23
24	25	26	27	28	29	30
31						

Early Season for Dragger

October 2023						
S	M	Tu	W	Th	F	S
1	2	3 O	4 O	5 O	6	7
8	9	10 O	11 O	12 O	13	14
15	16	17 O	18 O	19 O	20	21
22	23	24 O	25 O	26 O	27	28
29	30	31 O				

November 2023						
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	20	21 O	22 O	23	24	25
26	27	28 O	29 O	30 O		

December 2023						
S	M	Tu	W	Th	F	S
					1 O	2
3	4	5	6	7 O	8 O	9
10	11	12	13	14 O	15 O	16
17	18	19	20	21 O	22 O	23
24	25	26	27	28 O	29 O	30
31						

January 2024						
S	M	Tu	W	Th	F	S
	1	2	3	4 O	5 O	6
7	8	9	10 O	11 O	12 O	13
14	15	16	17 O	18 O	19 O	20
21	22	23	24 O	25 O	26	27
28	29	30	31			

Late Season for Dragger

December 2023						
S	M	Tu	W	Th	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14 O	15 O	16
17	18	19	20	21 O	22 O	23
24	25	26	27 O	28 O	29 O	30
31						

January 2024						
S	M	Tu	W	Th	F	S
	1	2	3 O	4 O	5 O	6
7	8	9	10 O	11 O	12 O	13
14	15	16	17 O	18 O	19 O	20
21	22	23	24 O	25 O	26 O	27
28	29	30	31 O			

February 2024						
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	20	21 O	22 O	23	24
25	26	27	28 O	29 O		

March 2024						
S	M	Tu	W	Th	F	S
					1	2
3	4	5 O	6 O	7 O	8	9
10	11	12 O	13 O	14 O	15	16
17	18	19	20 O	21 O	22	23
24	25	26	27	28	29	30
31						

Underline as new:

For Whiting & Dennys Bays Limited Access Area

= open = closed

Early Season for Divers, Rakers, and Trappers

October 2023							November 2023							December 2023						
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						1	2
8	9	10	11	12	13	14	5	6	7	8	9	10	11	3	4	5	6	7	8	9
15	16	17	18	19	20	21	12	13	14	15	16	17	18	10	11	12	13	14	15	16
22	23	24	25	26	27	28	19	20	21	22	23	24	25	17	18	19	20	21	22	23
29	30	31					26	27	28	29	30			24	25	26	27	28	29	30
														31						

Late Season for Divers, Rakers, and Trappers

December 2023							January 2024							February 2024							March 2024						
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	4	5	6	7	8	9	7	8	9	10	11	12	13	4	5	6	7	8	9	10	3	4	5	6	7	8	9
10	11	12	13	14	15	16	14	15	16	17	18	19	20	11	12	13	14	15	16	17	10	11	12	13	14	15	16
17	18	19	20	21	22	23	21	22	23	24	25	26	27	18	19	20	21	22	23	24	17	18	19	20	21	22	23
24	25	26	27	28	29	30	28	29	30	31				25	26	27	28	29			24	25	26	27	28	29	30
31														31							31						

Early Season for Dragger

October 2023							November 2023							December 2023							January 2024						
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					1	2		1	2	3	4	5	6		
8	9	10	11	12	13	14	5	6	7	8	9	10	11	3	4	5	6	7	8	9	7	8	9	10	11	12	13
15	16	17	18	19	20	21	12	13	14	15	16	17	18	10	11	12	13	14	15	16	14	15	16	17	18	19	20
22	23	24	25	26	27	28	19	20	21	22	23	24	25	17	18	19	20	21	22	23	21	22	23	24	25	26	27
29	30	31					26	27	28	29	30			24	25	26	27	28	29	30	28	29	30	31			
														31													

Late Season for Dragger

December 2023							January 2024							February 2024							March 2024						
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	4	5	6	7	8	9	7	8	9	10	11	12	13	4	5	6	7	8	9	10	3	4	5	6	7	8	9
10	11	12	13	14	15	16	14	15	16	17	18	19	20	11	12	13	14	15	16	17	10	11	12	13	14	15	16
17	18	19	20	21	22	23	21	22	23	24	25	26	27	18	19	20	21	22	23	24	17	18	19	20	21	22	23
24	25	26	27	28	29	30	28	29	30	31				25	26	27	28	29			24	25	26	27	28	29	30
31														31							31						

Strike through:

2022 - 2023 Sea Urchin Season for Maine Zone 1

A Zone 1 harvester may choose to fish 15 of the open days

O = open

= closed

Early Season for Divers, Rakers, and Trappers

September 2022						
S	M	Tu	W	Th	F	S
				1 O	2 O	3
4	5 O	6 O	7 O	8 O	9 O	10
11	12 O	13 O	14 O	15 O	16 O	17
18	19 O	20 O	21 O	22 O	23 O	24
25	26 O	27 O	28 O	29 O	30 O	

October 2022						
S	M	Tu	W	Th	F	S
						1
2	3 O	4 O	5 O	6 O	7 O	8
9	10 O	11 O	12 O	13 O	14 O	15
16	17 O	18 O	19 O	20 O	21 O	22
23	24 O	25 O	26 O	27 O	28 O	29
30	31 O					

Late Season for Divers, Rakers, and Trappers

December 2022						
S	M	Tu	W	Th	F	S
				1 O	2 O	3
4	5 O	6 O	7 O	8 O	9 O	10
11	12 O	13 O	14 O	15 O	16 O	17
18	19 O	20 O	21 O	22 O	23 O	24
25	26 O	27 O	28 O	29 O	30 O	31

January 2023						
S	M	Tu	W	Th	F	S
1 O	2 O	3 O	4 O	5 O	6 O	7
8	9 O	10 O	11 O	12 O	13 O	14
15	16 O	17 O	18 O	19 O	20 O	21
22	23 O	24 O	25 O	26 O	27 O	28
29	30 O	31 O				

February 2023						
S	M	Tu	W	Th	F	S
			1 O	2 O	3 O	4
5	6 O	7 O	8 O	9 O	10 O	11
12	13 O	14 O	15 O	16 O	17 O	18
19	20 O	21 O	22 O	23 O	24 O	25
26	27 O	28 O				

Zone 1 Season for Dragger

December 2022						
S	M	Tu	W	Th	F	S
				1 O	2 O	3
4	5 O	6 O	7 O	8 O	9 O	10
11	12 O	13 O	14 O	15 O	16 O	17
18	19 O	20 O	21 O	22 O	23 O	24
25	26 O	27 O	28 O	29 O	30 O	31

January 2023						
S	M	Tu	W	Th	F	S
1 O	2 O	3 O	4 O	5 O	6 O	7
8	9 O	10 O	11 O	12 O	13 O	14
15	16 O	17 O	18 O	19 O	20 O	21
22	23 O	24 O	25 O	26 O	27 O	28
29	30 O	31 O				

February 2023						
S	M	Tu	W	Th	F	S
			1 O	2 O	3 O	4
5	6 O	7 O	8 O	9 O	10 O	11
12	13 O	14 O	15 O	16 O	17 O	18
19	20 O	21 O	22 O	23 O	24 O	25
26	27 O	28 O				

Strike through:

:

2022 - 2023 Sea Urchin Season for Maine Zone 2

A Zone 2 harvester may choose to fish 30 of the 40 open days

O = open

= closed

Early Season for Divers, Rakers, and Trappers

September 2022						
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	
		O	O			

October 2022						
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					
		O	O	O	O	O

November 2022						
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			
		O	O	O		

December 2022						
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
		O	O	O		

Late Season for Divers, Rakers, and Trappers

December 2022						
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
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Early Season for Draggers

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Late Season for Draggers

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January 2023						
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Strike through:

2022 - 2023 Sea Urchin Season for Maine Zone 2 For Whiting & Dennys Bays Limited Access Area

O = open = closed

Early Season for Divers, Rakers, and Trappers

September 2022						
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October 2022						
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November 2022						
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Late Season for Divers, Rakers, and Trappers

December 2022						
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January 2023						
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February 2023						
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March 2023						
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Early Season for Draggers

October 2022						
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November 2022						
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December 2022						
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January 2023						
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Late Season for Draggers

November 2022						
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December 2022						
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January 2023						
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February 2023						
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Basis Statement

This regulation establishes open harvest days and tote limits for the taking of sea urchins by divers, rakers, trappers, and draggers in Zones 1 and 2 for the 2023-2024 season. For Zone 1, a season is established for divers, trappers, rakers and draggers from which harvesters may only fish up to 15 days of their choosing, the same number of days allowed during the 2022-2023 season. For Zone 1, the daily tote limit is nine (9), the same as in the 2022-2023 season. For Zone 2, 40-day seasons are established for divers, trappers, rakers and draggers, from which harvesters may only fish up to 30 days of their choosing, the same number of fishing days and opportunity days as the 2022-2023 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 2023-2024. For Zone 2, the daily tote limit is six (6), the same as in the 2022-2023 season.

Based on summary of comments, modifications were made to the Zone 2 Late Drag season to better balance the harvest practices between west and east within that zone:

Summary of Comments

Notice of the proposed rulemaking appeared on June 21, 2023 in the five major daily newspapers as published by the Secretary of State. On June 21, 2023, the rule was posted on the DMR website, and electronic messages were sent to individuals who subscribe to DMR notices. A hybrid public hearing (remote and in-person) was held on July 10 at the DMR offices in Augusta and via Microsoft TEAMS. There were no attendees of the hybrid hearing on July 10. The Department held an in-person meeting in Ellsworth on July 11, 2023 and there were three attendees, two of whom provided comments. Two written comments were received via email. The comment period closed July 21, 2023.

Attendance at the July 10, 2023 Hearing:

Name	Affiliation
Deirdre Gilbert, Melissa Smith	DMR Staff

Attendance at the July 11, 2023 Hearing:

Name	Affiliation
Deirdre Gilbert, Melissa Smith	DMR Staff
Paul Gray	Stonington
Michael Eaton	Deer Isle
Clifford Johnson, III	Jonesport

Comments received at the July 11, 2023 Hearing

Paul Gray, Stonington: I was at the last scallop meeting and I had an opportunity to talk to the Commissioner and the Commissioner took a picture of my chart and I am sure he's got it somewhere. Anyway, it was going to be three days a week in March, and what I proposed was leaving half those days in March, so we could get those days back on our end. I would like to have them especially in January. I could live with two days a week in December because that's

when scalloping starts and you know. That way the guys Downeast could get some of their days. I understand...the eggs are better in certain areas at different times and Zone 2 is a long part of the coast. I've said for the longest time, I don't understand why the season has to be so long anyway. But if you do want to have it that long...some guys don't have a scallop license and all they can do is urchin. Why make them guys babysit their boats just so they can go out maybe two days a week? This past winter, there was a lot of wind and you had to be pretty tough to...it was sketchy, a few rides home. But you gotta do what you gotta do to get the days in. How many boxes are we allowed in a season? (180) Why not just open it up three days a week and let the guys get what they want? Instead of having to babysit a boat for 4-5 months with the wind blowing and icy conditions and everything else. If it's open from December to the end of March – just let them pick their days, those three days a week, and if they want go ahead and get a dozen boxes instead of the six...The dealers are really being pampered, I believe. I believe a lot of this calendar days is to pamper the dealer. He's not enduring the tough weather. He's got his schedule all lined up beautiful and our schedule isn't. So maybe something could be done that way. I do understand that those fellas downeast, I think their eggs come later in their season, and I think it's too bad if they got screwed out of making money if that's what happened to them last March. Maybe instead of just having this ridiculous two days a week...it's ridiculous, it really is. You either got to go those two days and it's only a lousy twelve boxes and what kind of money is that when you got to pay everything and it costs \$4 grand to fix your drag up, just for the season? I guess that would be my input. Maybe instead of having this stretched out so long I could understand not doing it 5 days a week, it might ease up on the warden patrol, and everything. But you guys know everything – there's no way of selling eggs cash anymore. It's all on swipe card so you know exactly how much we sold. So let's just say we want to get it done and be done in February or whatever, instead of just going by these days. I don't care if Atchan is going to have a few extra boxes instead of him planning on having his certain amount of eggs. He might have some extras – you gotta look out for us too, because somebody is going to get hurt. I've seen these divers in these little boats with 2 or 3 of them in it, and I'm putting my bow under and I've got a lot bigger boat than they do and something bad is going to happen by this foolishness. I'm not trying to give anyone a hard time, I'm just trying to look out for myself and the expenses are just killing us and two days a week is a joke. Thank you.

Michael Eaton: In the 30 years that I have fished in the Stonington area, March is a good spawning season for us in our area. The last two years, or several years, our urchins are all pasting out in March and I feel we are taking our babies when we don't need to. I'd rather see the 3 days a week in December and January and maybe one week in March – the first week. I just don't feel right taking these urchins in March when we are taking our future. I understand they are better, but they are better for a reason. We've got to let something spawn. March is the best time to let them spawn. Downeast is a later season but where we are, it's our babies, it's our future. December, January and February they are filling out, we get paid for what we have for a percentage, but in March we are losing our babies. It should be our spawning season in Stonington and Deer Isle, in the area where we fish. I just speak for the Stonington/Deer Isle

area. I feel bad for the guys downeast but March is a spawning season. I'm just concerned about the future. I want everyone to make a living. If I have to go those nine days in March, I'll go, but I'd rather not because that is when they spawn.

Written Comment Received July 7, 2023:

Fred Gray, Zone 2 Diver: I would like the 2023-2024 proposed zone 2 late urchin season schedule to stay as proposed.

Written Comment Received July 21, 2023:

Atchan Tamaki, Processor: Normally some divers are harvesting spawning urchins during March, but draggers are harvesting excellent urchins in March, so we can pay more money to them and good for us. For processors, it's critical to have urchins on the market during March. Thank you.

Department's Response:

During the development of the 2023-2024 season, it was noted that a shift of harvest practices has emerged between west and east sections of Zone 2. Harvesters in the western portion of Zone 2, dragging under the late calendar have observed urchins in their area beginning to spawn out, and prefer to not harvest after February. This practice was the rationale for the 2022-2023 season, whereby the Zone 2 Late Drag calendar did not have any opportunity days in March.

However, harvesters in the eastern portion of Zone 2, notably Cobscook Bay were impacted by the lack of opportunity days within March to harvest urchins further east, where the urchins have not yet started to spawn; roe quality was still good and could garner a fair price. It was mentioned during the SUZC meeting that it was very important that there be harvest opportunity for Zone 2 Late Drag harvesters in March for the 2023-2024 season.

In an attempt to balance the harvesting practices between the east and west regions of Zone 2, modifications were made to the Zone 2 Late Drag calendar:

- Three opportunity days were removed from March, leaving a total of six days
- Two opportunity days were removed from December, leaving a total of seven days
- Aside from two weeks in December, days were re-organized to provide most weeks with three harvest days

It was also noted that two days of opportunity a week may not be economically feasible, and so the calendar modification took into account the need to ensure three harvest opportunity days a week, where possible.

Rule-Making Fact Sheet

(5 M.R.S., §8057-A)

AGENCY: Department of Marine Resources

NAME, ADDRESS, PHONE NUMBER OF AGENCY CONTACT PERSON:

Deirdre Gilbert, Department of Marine Resources, 21 State House Station, Augusta, Maine 04333-0021
Telephone: (207) 592-9311; web address: <http://www.maine.gov/dmr/rulemaking/>

CHAPTER NUMBER AND RULE: Chapter 26 Sea Urchin; 2023-2024 Season

STATUTORY AUTHORITY: 12 MRS §6749

DATE AND PLACE OF PUBLIC HEARING(S):

- July 10, 2023, 5:30 p.m., DMR HQ, room 118 Marquardt Building (32 Blossom Lane, Augusta ME), with an option to participate remotely via Microsoft Teams. For information on how to join the hearing, please visit: www.maine.gov/dmr. Instructions will be posted on DMR's homepage under meetings and events.
- July 11, 2023, 5:00 p.m., Moore Community Center, Ellsworth, Theatre Auditorium (125 State St, Ellsworth, ME)

COMMENT DEADLINE: July 21, 2023

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

This regulation would establish open harvest days and tote limits for the taking of sea urchins by divers, rakers, trappers, and draggers in Zones 1 and 2 for the 2023-2024 season. For Zone 1, seasons are proposed for divers, trappers, rakers and draggers in 2023-2024, from which harvesters may only fish up to 15 days of their choosing, the same number of days allowed during the 2022-2023 season. For Zone 1, the daily tote limit is nine (9), the same as in the 2022-2023 season. For Zone 2, 40-day seasons are proposed for divers, trappers, rakers and draggers in 2023-2024, from which harvesters may only fish up to 30 days of their choosing. This proposal has the same number of fishing days and opportunity days as the 2022-2023 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 2023-2024. For Zone 2, the daily tote limit is six (6), the same as in the 2022-2023 season.

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.

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 Department considered feedback provided by the Sea Urchin Zone Council, Department staff 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.