

NOTICE OF AGENCY RULE-MAKING PROPOSAL

AGENCY: Department of Marine Resources

RULE TITLE OR SUBJECT: 25.04 Lobster Trawl Limits; 25.97 Management Framework for Island Limited Entry Program

PROPOSED RULE NUMBER:

CONCISE SUMMARY:

This proposed rule provides a seasonal exemption to the existing 3 trap per trawl limit for a specified area within and around the Piscataqua River, allowing up to 10 traps per trawl from January 1-April 10. This change is requested by Zone G fishermen fishing in this area, to improve gear handling and minimize gear loss during the winter months. The proposed regulation also strikes Chebeague Island from the list of islands participating in the Island Limited Entry Program.

THIS RULE WILL ___ WILL NOT HAVE A FISCAL IMPACT ON MUNICIPALITIES.

STATUTORY AUTHORITY: 12 M.R.S. §6171-A; §6449

PUBLIC HEARING: 6:00 PM Scarborough Municipal Building, Council Chambers A, 259 U.S. Route 1, Scarborough, ME; December 21, 2015

DEADLINE FOR COMMENTS: December 31, 2015

To ensure consideration, comments must include your name and the organization you represent, if any. Please be aware that any risk of non-delivery associated with submissions by fax or e-mail is on the sender.

AGENCY CONTACT PERSON: Hannah Dean

AGENCY NAME: Department of Marine Resources
ADDRESS: 21 State House Station, Augusta, Maine 04333-0021
WEB SITE: <http://www.maine.gov/dmr/rulemaking/>
E-MAIL: hannah.dean@maine.gov
TELEPHONE: (207) 624-6573
FAX: (207) 624-6024
TTY: (711) Maine Relay (Deaf/Hard of Hearing)

Hearing facilities: If you require accommodations due to disability, please contact Amanda Beckwith, at (207) 287-7578.

DEPARTMENT OF MARINE RESOURCES

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. Except where specifically stated herein, 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;

A. Exception: From January 1-April 10 inclusive, it is unlawful to have on a trawl more than 10 lobster traps in the waters southerly and westerly of a line starting at the southern point of land at the mouth of Brave Boat Harbor (43° 05.6'N/070°39.35'W) and then running southeasterly to the Murray Rock buoy "2MR" 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.

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. Beginning at Schoodic Point, Hancock County; thence running a True compass course of 159° to latitude 44° 9.44'N and longitude 067° 57.54'W; thence running in a southwesterly direction to latitude 44° 3.42'N and longitude 068° 10.26'W and thence continuing in a southwesterly direction to latitude 44° 1.34'N and longitude 068° 13.85'W; thence running in a westerly direction to a point where that line intersects with the line described in subsection 2, paragraph B, if it is extended to that line.

C. 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.

D. 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.

25.97 Management Framework for Island Limited Entry Program

E. Islands with Approved Limited Entry Programs

(1) ~~Chebeague Island:~~

~~The Chebeague Island limited-entry program allows up to 31 commercial island resident lobster licenses to be issued annually.~~

(2) Cliff Island

The Cliff Island limited-entry program allows up to 12 commercial island resident lobster licenses to be issued annually.

(3) Cranberry Isles

The Cranberry Isles limited-entry program allows up to 23 commercial island resident lobster licenses to be issued annually.

(4) Monhegan Island

The Monhegan Island limited-entry program allows up to 17 commercial island resident lobster licenses to be issued annually.

(5) Frenchboro

The Frenchboro Island limited-entry program allows up to 14 commercial island resident lobster licenses to be issued annually.

Rule-Making Fact Sheet

(5 M.R.S., §8057-A)

AGENCY: Department of Marine Resources

NAME, ADDRESS, PHONE NUMBER OF AGENCY CONTACT PERSON:

Hannah Dean, Department of Marine Resources, 21 State House Station, Augusta, Maine
04333-0021

Telephone: (207) 624-6573; E-mail: Hannah.dean@maine.gov; web address:
<http://www.maine.gov/dmr/rulemaking/>

CHAPTER NUMBER AND RULE: 25.04 Lobster Trawl Limits; 25.97 Management Framework
for Island Limited Entry Program

STATUTORY AUTHORITY: 12 M.R.S. §6171-A; §6449

DATE AND PLACE OF PUBLIC HEARING: 6:00 PM Scarborough Municipal Building, Council
Chambers A, 259 U.S. Route 1, Scarborough, ME; December 21, 2015

COMMENT DEADLINE: December 31, 2015

PRINCIPAL REASON OR PURPOSE FOR PROPOSING THIS RULE:

This proposed rule provides a seasonal exemption to the existing 3 trap per trawl limit for a specified area within and around the Piscataqua River, allowing up to 10 traps per trawl from January 1-April 10. This change is requested by Zone G fishermen fishing in this area, to improve gear handling and minimize gear loss during the winter months. The proposed regulation also strikes Chebeague Island from the list of islands participating in the Island Limited Entry Program. The Chebeague Island Limited Entry Committee requested a referendum be conducted to assess whether license holders on Chebeague supported the continuation of the Program. Of those voting, 83% supported eliminating the Program. After reviewing the referendum results, the Chebeague Island Limited Entry Committee requested the Commissioner undertake rule-making to terminate the Chebeague Island Limited Entry Program.

ANALYSIS AND EXPECTED OPERATION OF THE RULE:

The proposed changes to the rule will modify fishing practices in the Piscataqua River from January to April and terminate the Chebeague Island Limited Entry Program.

FISCAL IMPACT OF THE RULE:

There is no anticipated fiscal impact.