

NOTICE OF AGENCY RULE-MAKING PROPOSAL

AGENCY: Department of Marine Resources

RULE TITLE OR SUBJECT: Chapter 25 Lobster and Crab; 25.45 Crab Fishing Limitations

PROPOSED RULE NUMBER: (Leave blank - Assigned by Secretary of State)

CONCISE SUMMARY:

In accordance with the Atlantic States Marine Fisheries Commission (ASMFC) Interstate Fishery Management Plan for Jonah Crab (August 2015), the Department is initiating proposed rulemaking which will implement size and possession limits for Jonah Crabs, as required under the FMP. These new requirements include setting a minimum size of 4.75 inches; making it unlawful to possess egg-bearing, female Jonah crab; making it unlawful to possess mutilated Jonah crabs on board a vessel; and making it unlawful for recreational possession of more than 50 Jonah crabs per person per 24-hour day. In addition, the proposed rulemaking consolidates three pre-existing regional/seasonal limits on crab under the new crab section.

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

STATUTORY AUTHORITY: 12 M.R.S. §6171

PUBLIC HEARING: February 9, 2016 6:00 PM, DMR Conference Room, Marquardt Building, 32 Blossom Lane, Augusta

DEADLINE FOR COMMENTS: February 19, 2016

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.

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DEPARTMENT OF MARINE RESOURCES
CHAPTER 25 - LOBSTER AND CRAB
TITLE INDEX

~~25.45 Dragged Crab as Bycatch~~ Crab Fishing Limitations

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~~25.45 Dragged Crab as Bycatch~~ Crab Fishing Limitations

1. License Endorsement

It shall be unlawful to harvest crabs by drag from the EEZ unless the harvester holds a Commercial Fishing – Single license with the Dragged Crab Permit endorsement or a Commercial Fishing – Crew license with the Dragged Crab Permit endorsement*. There will be no additional charge for this permit. A lobster and crab fishing license issued pursuant to 12 M.R.S.A. §6421 is not required to obtain this endorsement in accordance with §6421, sub-§4(B). *DMR License Division telephone (207-624-6550) or for online information select the following link: <http://www.maine.gov/dmr/license/index.htm>.

2. Limits

A. Possession Limits

(1) For individuals taking dragged crabs as bycatch, it is unlawful to take, possess or land more than 200 pounds (90.7 kg) of crabs per day, not to exceed 500 pounds (226.8 kg) per trip.

(2) For individuals fishing for or taking Jonah crabs recreationally, it is unlawful to fish for, take or possess more than 50 Jonah crabs per person per 24-hour day.

B. Size Limit

It is unlawful to take or possess a Jonah crab measuring less than 4.75 inches across the shell from tip of the posterior-most, longest spines along the lateral margins of the carapace.

C. Prohibitions on Possession

(1) It is unlawful to take or possess any egg-bearing, female Jonah crab.

(2) While on board a vessel, it is unlawful to take or possess any Jonah crab, or part thereof, which is mutilated in a manner which makes accurate measurement impossible.

D. Closed Seasons

(1) Closed Season Regulation on Fishing for Crabs in Sheepscot River

It shall be unlawful to fish for or take crabs, except green crabs from December 1 to April 30, both days inclusive, from the waters inside and upstream of the following lines:

- (a) From the extreme tip of Phipps Point, Woolwich, to the southern tip of Hubbard's Point in Westport;
- (b) From the tip of Kehail Point, Westport, to the most southerly end of Barter's Island in the town of Boothbay;
- (c) Along the length of the Barter's Island Bridge and Knickerbocker Bridge, in the town of Boothbay.

(2) Closed Season on Fishing for Crabs in Damariscotta River

It shall be unlawful to fish for or take crabs, except green crabs from December 1 to April 30, both days inclusive, in the Damariscotta River above a straight line drawn across the River from a point on the shore of Back Narrows on the west side of the River in the Town of Boothbay intersecting the southwestern point of Fort Island and the red nun navigational Buoy #10 to a point on the opposite shore in the Town of South Bristol.

(3) Closed Season on Fishing for Crabs in Medomak River

It is unlawful to fish for or take crabs, except green crabs from December 1 to April 30, both days inclusive, in the Medomak River, from the waters inside and upstream of a line drawn from the southernmost tip of Jones Neck in Waldoboro northwest to the southernmost tip of Hardy Island then true west to Keene Neck in Bremen, including all waters of Broad Cove, Eastern Branch and Western Branch.

~~25.50—Closed Season Regulation on Fishing for Crabs in Sheepscot River~~

~~It shall be unlawful to fish for or take crabs, except green crabs from December 1 to April 30, both days inclusive, from the waters inside and upstream of the following lines:~~

- ~~(d) From the extreme tip of Phipps Point, Woolwich, to the southern tip of Hubbard's Point in Westport;~~
- ~~(e) From the tip of Kehail Point, Westport, to the most southerly end of Barter's Island in the town of Boothbay;~~
- ~~(f) Along the length of the Barter's Island Bridge and Knickerbocker Bridge, in the town of Boothbay.~~

~~25.55—Closed Season on Fishing for Crabs in Damariscotta River~~

~~It shall be unlawful to fish for or take crabs, except green crabs from December 1 to April 30, both days inclusive, in the Damariscotta River above a straight line drawn across the River from a point on the shore of Back Narrows on the west side of the River in the Town of Boothbay intersecting the southwestern point of Fort Island and the red nun navigational Buoy #10 to a point on the opposite shore in the Town of South Bristol.~~

~~25.60—Closed Season on Fishing for Crabs in Medomak River~~

~~It is unlawful to fish for or take crabs, except green crabs from December 1 to April 30, both days inclusive, in the Medomak River, from the waters inside and upstream of a line drawn from the southernmost tip of Jones Neck in Waldoboro northwest to the southernmost tip of Hardy Island then true west to Keene Neck in Bremen, including all waters of Broad Cove, Eastern Branch and Western Branch.~~

Rule-Making Fact Sheet

(5 M.R.S., §8057-A)

AGENCY: Department of Marine Resources

NAME, ADDRESS, PHONE NUMBER OF AGENCY CONTACT PERSON:

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CHAPTER NUMBER AND RULE: Chapter 25 Lobster and Crab; 25.45 Crab Fishing Limitations

STATUTORY AUTHORITY: 12 M.R.S. §6171

DATE AND PLACE OF PUBLIC HEARING:

February 9, 6:00 PM, DMR Conference Room, Marquardt Building, 32 Blossom Lane, Augusta

COMMENT DEADLINE: February 19, 2016

PRINCIPAL REASON OR PURPOSE FOR PROPOSING THIS RULE:

In August of 2015, the Atlantic States Marine Fisheries Commission (ASMFC) American Lobster Management Board approved a Jonah crab (*Cancer borealis*) Interstate Fisheries Management Plan (FMP). This action was initiated as the result of an observed rapid increase in landings and value of Jonah Crab in the Northwest Atlantic Ocean. The plan lays out management measures for commercial and recreational Jonah crab fishery. Maine is required to comply with certain elements of the FMP, including *Sections 3.4.1, 4.1, and 4.2* (See ASMFC Jonah Crab FMP at http://www.asmfc.org/uploads/file/55e9daffJonahCrabInterstateFMP_Aug2015.pdf). In accordance with those sections, the Department's proposed rule sets a minimum size for Jonah crab of 4.75 inches; makes it unlawful to possess egg-bearing, female Jonah crab; makes it unlawful to possess mutilated Jonah crabs on board a vessel; and makes it unlawful for recreational possession of more than 50 Jonah crabs per person per 24-hour day.

ANALYSIS AND EXPECTED OPERATION OF THE RULE:

This proposed rule seeks to comply with ASMFC management measures, thereby helping to ensure a sustainable Jonah crab fishery in the future. Marine Patrol will enforce the requirements as part of their existing enforcement activities.

FISCAL IMPACT OF THE RULE:

No additional effort will be needed in terms of personnel or time, as enforcement personnel will monitor compliance during routine patrols and already conduct overlapping monitoring activities for the lobster and crab fishery.

Note: If necessary, additional pages may be used.

(File 20 copies with the Executive Director of Legislative Council, SHS 115 Rm 103, within 1-2 days after filing with SOS.)