

NOTICE OF AGENCY RULE-MAKING PROPOSAL

AGENCY: Department of Marine Resources

RULE TITLE OR SUBJECT: Chapter 26 Sea Urchin Regulations and Targeted Closures

CONCISE SUMMARY:

This regulation would establish a targeted sea urchin harvest closure in the Cat Ledges Area in order to facilitate an industry-ledge Pilot Sea Urchin Restoration Project in the area. The closure is proposed for three years and will expire on May 1, 2018 when the project is anticipated to be complete. The goal of the project is to evaluate the success of transplanting wild sea urchins and the out planting of hatchery raised juvenile sea urchins as a means to re-establish a colony of commercially viable urchins in an area that once supported wild harvest where they are now commercially extinct. This effort has been developed through the Sea Urchin Zone Council (SUZC) and is an industry-led project with harvesters conducting the majority of the work with the support of the SUZC's scientists. In addition, this regulation would remove the restriction that Zone 2 divers may not possess, fish or take urchins with a bag having a mesh opening of less than 2 ¼ inches between knots, as Zone 2 divers are now required to cull undersized urchins on bottom.

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

STATUTORY AUTHORITY: 12 M.R.S. §6171

PUBLIC HEARING:

September 15, 2015, 6:00 PM, DMR Conference Room, Marquardt Building, 32 Blossom Lane, Augusta

DEADLINE FOR COMMENTS: September 27, 2015

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DEPARTMENT OF MARINE RESOURCES

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CHAPTER 26 - SEA URCHIN

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Chapter 26 - Sea Urchin Regulations

26.06 — ~~Sea Urchin Catch Bag Mesh Regulation for Zone 2~~

1. ~~Catch Bag Mesh Size for Zone 2~~

~~It shall be unlawful for a sea urchin diver or raker to fish for or take sea urchins in Zone 2 using a bag having a mesh opening of less than 2 ¼ inches between knots. It shall also be unlawful to possess a bag having a mesh opening of less than 2 ¼ inches between knots on board any vessel which is fishing for or taking sea urchins in Zone 2, or which is engaged in the transfer or transport of sea urchins taken by Zone 2 divers or rakers.~~

2. ~~Mesh Measurement~~

~~Mesh sizes are to be measured by a flat wedged-shaped gauge having a taper of 4 cm. in 20 cm. and having a thickness of 2.3 mm., inserted into the meshes under a pressure or pull of 1.90 kg. The mesh size of a net shall be the average of the measurements at least 10 meshes, each at least 1 mesh away from any seam or lacing.~~

26.20 Targeted Closures

It shall be unlawful to fish for, take, or possess urchins taken by any method within any of the following closed areas. All directions are relative to True North (not magnetic).

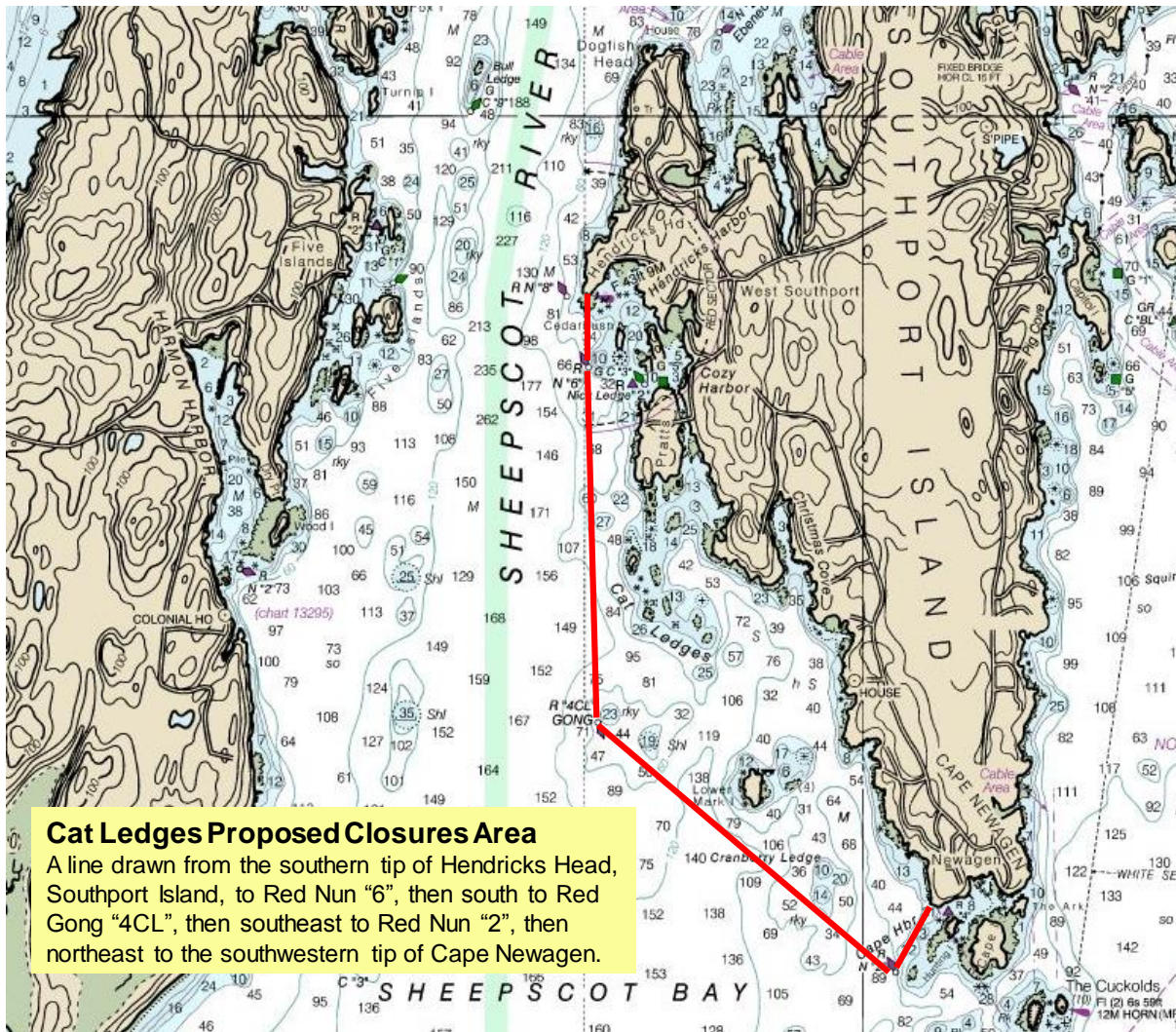
Transiting exception:

Any vessel possessing urchins onboard, may transit these targeted closures, 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) Cat Ledges Area:

It shall be unlawful to fish for, take, or possess urchins inside a line drawn from the southern tip of Hendricks Head, Southport Island, to Red Nun "6", then south to Red Gong "4CL", then southeast to Red Nun "2", then northeast to the southwestern tip of Cape Newagen.

This section Chapter 26.20 (1) sunsets May 1, 2018.



Rule-Making Fact Sheet

(5 M.R.S.A., §8057-A)

AGENCY: Department of Marine Resources

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CHAPTER NUMBER AND RULE: Chapter 26 Sea Urchin Regulations and Targeted Closure

STATUTORY AUTHORITY: 12 M.R.S. §6171

DATE AND PLACE OF PUBLIC HEARINGS:

September 15, 2015, 6:00 PM, DMR Conference Room, Marquardt Building, 32 Blossom Lane, Augusta

DEADLINE FOR COMMENTS: **September 27, 2015**

PRINCIPAL REASON OR PURPOSE FOR PROPOSING THIS RULE:

For purposes of conservation, pursuant to 12 M.R.S. §6171 and §6749, this proposed rule seeks to conserve the sea urchin resource for utilization in the future, and therefore should have a positive impact on Maine's fishing industry in the long term. This rule would establish a targeted closure in the Cat Ledges Area in order to facilitate an industry-ledge Pilot Sea Urchin Restoration Project in the area. The closure is proposed for three years and will expire on May 1, 2018 when the project is anticipated to be complete. The goal of the project is to evaluate success of transplanting wild sea urchins and the out planting of hatchery raised juvenile sea urchins as a means to reestablish a colony of commercially viable urchins in an area that once supported wild harvest, where they are now commercially extinct. This effort has been developed through the Sea Urchin Zone Council (SUZC) and is an industry-led project with harvesters conducting the majority of the work with the support of the SUZC's scientists. In addition, this regulation would remove the restriction that Zone 2 divers may not possess, fish or take urchins with a bag having a mesh opening of less than 2 ¼ inches between knots, as Zone 2 divers are now required to cull undersized urchins on bottom.

ANALYSIS AND EXPECTED OPERATION OF THE RULE:

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) in the long term. The Department worked with the Sea Urchin Zone Council to develop this combination of proposed rule changes.

FISCAL IMPACT OF THE RULE:

Enforcement of these proposed amendments will not require additional activity in this Agency. Existing enforcement personnel will monitor compliance during their routine patrols.