

NOTICE OF AGENCY RULE-MAKING ADOPTION

AGENCY: Department of Marine Resources

CHAPTER NUMBER AND TITLE: Chapter 11 Scallops; 2018-19 Season

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

CONCISE SUMMARY:

This rule establishes the 2018-2019 scallop fishing season. As in the 2017-2018 season, there is a daily possession limit of 15 gallons for Zone 1 and Zone 2, and a daily possession limit of 10 gallons for Zone 3. For Zone 1, a 60-day season for draggers begins on December 10, 2018 and the last day of the season is March 28, 2019. For Zone 1, a 60-day season for divers starts on November 20, 2018 and the last day of the season is be April 20, 2019. For Zone 2, a 70-day season for draggers starts on December 3, 2018 and the last day of the season is March 28, 2019. For Zone 2, a 70-day season for divers starts on December 1, 2018 and the last day of the season is April 13, 2019. For Zone 3, a 50-day season for draggers begins on December 3, 2018 and the last day of the season is March 27, 2019. For Zone 3, a 50-day season for divers begins on December 1, 2018 and the last day of the season is March 28, 2019.

In Zone 1, Casco Bay, Sheepscot River, Damariscotta River, Muscle Ridge, and W. Penobscot Bay Areas, as well as Whiting/Dennys Bays in Zone 3 are Limited Access Areas with reduced harvesting days. In Zone 2, territorial waters surrounding Machias Seal Island and North Rock are open to harvest all days during January 2019, in addition to open Zone 2 calendar days throughout the season.

DMR is maintaining the following targeted closures based on depletion, high concentrations of seed/sublegal scallops and/or the presence of spat-producing scallops: Lower Muscle Ridge, Eastern Casco Bay, Upper Sheepscot River, New Meadows River, Card Cove and Beals-Jonesport Bridge.

This rule removes the sunset provision that capped the vessel limit of dive harvested scallops to 30 gallons when two or more licensed scallop divers are utilizing the same platform.

This rule removes the specific drag size gear restrictions in the Kittery area (currently 5’6”), Swan’s Island Conservation area (currently 8’6”), and Gouldsboro Bay (currently 4’6”). Harvesters can utilize any drag size, provided it does not exceed the State maximum of 10’ 6.”

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
<i>Please forward invoice to: Natural Resource Service Center, 155 SHS, Augusta</i>					
010	13A	1120	10	4946	regulations

DEPARTMENT OF MARINE RESOURCES

Chapter 11 Scallops

11.03 Atlantic Sea Scallops Harvesting Season

A person may not fish for or take scallops by dragging in Maine's territorial waters from April 16th to November 30th, both days inclusive. ~~Open days for harvesting Atlantic sea scallops are established in 11.11.~~ A person may not fish for or take scallops except on an open day established in 11.11.

11.05 Scallop Harvesting Gear Restrictions

1. State Waters Drag Size Restriction

It shall be unlawful to possess on any vessel fishing for scallops, or to fish for or take scallops, in Maine's territorial waters: ~~A~~ any scallop drag or combination of scallop drags that exceed 10 feet 6 inches in width (by measuring from the extreme outside of the mouth of the drag or drags).

~~2. Gouldsboro Bay Drag Size Restriction~~

~~It shall be unlawful to possess on any vessel while fishing for scallops or to fish for or take scallops with any combination of scallop drags having an aggregate in excess of 4 feet 6 inches in Gouldsboro Bay north of a line drawn from the most eastern point of Youngs Point southerly to the most southern end of Outer Bar Island; thence northeasterly to the southern end of Sally Island; thence northeasterly to the southern end of Eastern Island; thence from the northern most end of Eastern Island to the southern most point of Dyers Point.~~

~~3~~ 2. Blue Hill Bay Drag Size Restriction

It is unlawful to possess on any vessel fishing for scallops or fish for or take scallops with any one combination of scallop drags in excess of 8 feet 6 inches in width by measuring from the extreme outside edge of the mouth of the drag or drags, in Blue Hill Bay above or north of a line drawn from Bass Harbor Head in the Town of Tremont westerly to Pond Island and thence to Naskeag Point in the Town of Brooklin as written in 12 M.R.S § 6723(1).

~~4. Swans Island Lobster Conservation Area Scallop Drag Size Restrictions~~

~~It shall be unlawful to possess on any vessel fishing for scallops or fish for or take scallops within the Swans Island Lobster Conservation Area (DMR Regulation, Ch. 25.90, (A) (1)) with any scallop drag or combination of scallop drags (chain sweep or rock drags) having an aggregate width in excess of eight feet, six inches.~~

~~5. Kittery Area Drag Size Restrictions~~

~~It shall be unlawful to possess on any fishing vessel fishing for scallops, or fish for or take scallops with, any one combination of scallop drag or drags in excess of 5 feet 6 inches in width, measured from the extreme outside edge of the mouth of the drag or drags, west of a line drawn from the Horn at the tip of Cape Neddick, to Boon Island Light, to the Boon Island Ledge Whistle, then on a magnetic bearing of 104 degrees to the intersection with the Three Mile Limit (70° 24.3' W. Longitude, 43° 07.4' N. Latitude), as shown on NOAA, National Ocean Survey chart #13286.~~

~~6~~ 3. Dragging for Scallops Damariscotta River, Lincoln County

It shall be unlawful to fish for or take scallops in the Damariscotta River with any scallop drag (chain sweep or rock drag) north of a line drawn from Emerson Point, at the southern most tip of Ocean Point in the town of Boothbay, easterly to Thrumcap Island, then northerly to the southern tip of Rutherford Island, South Bristol from April 16 to ½ hour after sunset December 31 of each year.

7.4. Scalloping in the Frenchboro Cable Area - Hand Scallop Fishing Allowed

- A. It shall be lawful to take scallops by hand, unless prohibited by other statute or regulation in the Frenchboro Cable Area described in 12 M.R.S. § 6954-A(1) (hereafter "Frenchboro Cable Area").
- B. It shall be unlawful to operate any watercraft when towing a drag or trawl while taking scallops by hand in the Frenchboro Cable Area.
- C. It shall be unlawful to use a watercraft rigged for dragging while taking or attempting to take scallops by hand in the Frenchboro Cable Area.
- D. It shall be unlawful to possess scallops aboard a watercraft rigged for dragging while taking or attempting to take scallops by hand in the Frenchboro Cable Area.

11.07 Atlantic Sea Scallop Limitations

4. Atlantic Sea Scallops, Shellstock Ratio to Meat Conversion, Possession Limit, Daily Limit

A. Shellstock Ratio to Meat Conversion

For the purposes of this regulation, one and a half bushels of shellstock shall be equal to one gallon of scallop meat.

B. Daily Harvest and Possession Limits.

(1) Daily Harvest and Possession Limit for Individuals Issued a License under §6702 or 6302-A for scallop dragging

It is unlawful to fish for, take or possess more than 15 gallons of scallop meat or any aggregate of meat and shellstock, which is greater than the equivalent of 15 gallons of meat per day per vessel.

(2) Daily Harvest and Possession Limit for Individuals Issued a License under §6701 or 6302-A for scallop diving

It is unlawful for an individual licensed under §6701 or 6302-A for scallop diving to fish for, take or possess more than 15 gallons of scallop meat or any aggregate of meat and shellstock, which is greater than the equivalent of 15 gallons of meat per day. ~~If more than one individual licensed under §6701 or 6302-A for scallop diving use the same vessel to fish for or take scallops on the same fishing day, it is unlawful for those individuals to possess or land more than 30 gallons of scallop meat, or any aggregate of meat and shellstock equivalent to 30 gallons of meat per vessel per day.~~

~~This section will sunset November 30, 2018.~~

11.08 Targeted Scallop Conservation Closures

Targeted closures are imposed as conservation measures to assist in rebuilding specific areas of the state. Targeted closures may be implemented based on depletion, seed, the presence of spat-producing scallops, and other conservation factors as determined by the Commissioner. Targeted closures are not seasonal closures and are implemented in order to improve and enhance the conservation and rebuilding of the resource in these specific areas.

It shall be unlawful to fish for, take, or possess scallops taken by any method within any of the following closed areas, ~~except for Muscle Ridge (1) which shall be open to diving on Thursdays and shall be open to dragging on Tuesdays on calendar dates specified in section 11.11.~~ All directions are relative to True North (not magnetic).

Transiting exception:

Any vessel possessing scallops 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 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. Muscle Ridge (Open Tuesdays to draggers. Open Thursdays to divers.)~~

~~Eastern boundary: West and South of a line drawn from the most eastern tip of Ash Point, South Thomaston at Latitude 44° 02.805 N Longitude 069° 04.393 W to RW "PA" Mo (A) GONG; then continuing southwest to the northern tip of Two Bush Island.~~

~~Western boundary: North of a line starting at the northern end of the Rackliff Island causeway then following the shore to the most southern point of Rackliff Island continuing to the most southern point of Norton Island and then continuing to the most southern point of Whitehead Island then to the southern end of Two Bush Island.~~

2.1. Lower Muscle Ridge

Northern boundary: East and South of a line beginning at the most eastern tip of Whitehead Island, St. George, to the southern tip of Seal Island (Hay Ledges) continuing to the most southwestern point of Graffam Island, then continuing to the southwestern point of Pleasant Island and continuing in a southeasterly direction to the northeastern tip of Two Bush Island.

Southern boundary: North of a line starting at the most southern point of Whitehead Island, St. George, to the southern end of Two Bush Island.

~~3. Ocean Point~~

~~West of a line drawn from Emerson Point, at the southernmost tip of Ocean Point, Boothbay at Latitude 43° 48.852 N Longitude 069° 35.454 W, to the most northern tip of Fisherman Island, then continuing to R N "8" and East of a line drawn from R N "8" to the most southwestern tip of Ocean Point at Latitude 43° 48.874 N Longitude 069° 36.332 W.~~

4.2. Eastern Casco Bay

Eastern boundary: West and North of a line drawn from the most southern tip of Gun Point, Harpswell, to G "3", South of Round Rock; continuing in a southwesterly direction to R N "2" at Eastern Drunkers Ledge.

Western boundary: East and North of a line draw from R N "2" at Eastern Drunkers Ledge to the most southern tip of Jaquish Island; then east of a line from the most northwestern tip of Jaquish Island at Latitude 43° 42.950N Longitude 70° 00.137W to the most southeastern tip of land along Jaquish Gut at Latitude 43° 43.043N Longitude 70° 00.128W.

5 3. Upper Sheepscoot River

Eastern boundary: West and North of the Townsend Gut Bridge connecting Southport Island and West Boothbay Harbor.

Western boundary: East of a line drawn from the most southern tip of Hockomock Point, Woolwich to the most northern tip of Mill Point, Arrowsic Island, and following the shoreline to the Arrowsic Island-Georgetown Island bridge, and then continuing along the northern coastline to the northeast tip of Dry Point, Georgetown Island.

Southern boundary: North of a line drawn from the most northeastern point of Dogfish Head to the most northeastern point of Macmahan Island, and south of a line drawn from the most northwestern point of Macmahan Island to the most northeastern tip of Soldier Point and south and east of the Southport Island Bridge.

6. ~~——~~ Damariscotta River

~~North of a line drawn from Emerson Point at the southern most tip of Ocean Point in the town of Boothbay, easterly to Thrumcap Island, then northerly to the southern tip of Rutherford Island, South Bristol.~~

7 4. New Meadows River

Southeast boundary: North of a line drawn from the southernmost tip of Birch Point, Phippsburg, to the southernmost tip of Long Island, Harpswell, then continuing along the western coastline to the northern tip of Long Island, Harpswell, then a line drawn due west to the nearest point of land on Sebascodegan Island, Harpswell.

Southwestern boundary: North of the Route 24 Gurnet Bridge (Harpswell).

8 5. Card Cove

West of a line drawn from the southeastern most tip of Pinkham Point, Harpswell, in a southwesterly direction to the nearest point of land and to include all of Card Cove, Harpswell.

9 6. Beals-Jonesport Bridge

Eastern boundary: West of a line drawn from the most eastern tip of Perio Point, Beals to OW Look's wharf, Jonesport.

Western boundary: East of the Jonesport-Beals Bridge.

11.09 Limited Access Areas

It shall be unlawful to fish for, take, or possess scallops taken by any method within any of the following Limited Access Areas except by divers on December ~~4~~, 7, 8, 14, ~~15~~, 21, ~~22~~ and ~~29~~, ~~2017~~ 28, 2018; January 4 and 5, ~~2018~~ 2019; March 15, 16, 22, 23, 29 and 30, ~~2018~~ 2019; and, April 5, 6, 12 and 13, ~~2018~~ 2019 except for Whiting and

Dennys Bays Area (4) which shall be open to divers on December 1, 8, 15, 22 and 29, ~~2017~~ 2018; January 5, 12, 19 and 26, ~~2018~~ 2019; February 2, 9, 16 and 23, ~~2018~~ 2019; March 2, 9, 16, and 23 ~~30, 2018~~ 2019.; ~~and, April 6 and 13, 2018.~~ All directions are relative to True north (not magnetic).

It shall be unlawful to fish for, take, or possess scallops taken by any method within any of the following Limited Access Areas except by draggers on January ~~8, 15, 22 and 29, 2018~~ 7, 14, 21 and 28, 2019; February ~~5, 12, 19 and 26, 2018~~ 4, 11, 18 and 25, 2019; March ~~5, 12, 19 and 26, 2018~~ 4, 11, 18 and 25, 2019; ~~and, April 2 and 9, 2018~~ except for Whiting and Dennys Bays Area (4) which shall be open to draggers on December ~~4, 11 and 18, 2017~~ 4, 11, 18 and 25, 2018; January ~~8, 15, 22 and 29, 2018~~ 7, 14, 21 and 28, 2019; February ~~5, 12, 19 and 26, 2018~~ 4, 11, 18 and 25, 2019; March ~~5, 12, 19 and 26, 2018~~ 4, 11, 18 and 25, 2019. All directions are relative to True north (not magnetic).

Transiting exception:

Any vessel possessing scallops onboard, may transit these Limited Access Areas, 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 block or on the winch for draggers, while regulators, buoyancy compensators and tanks should be disconnected with fins and weight belts removed for divers.

The Commissioner may close harvesting for the remainder of the season in the Limited Access Areas listed below though emergency rulemaking if the Department has information that indicates there is a likelihood that between 30 percent and 40 percent of the harvestable biomass has been removed.

1. Casco Bay Area:

Western boundary: South of a line drawn from the most southwestern point of Basin Point (Harpwell) to the northern tip of Jewell Island. Also, the waters between and to the north of Basin Point and Gun Point bounded by the Route 24 Gurnet Bridge (Harpwell).

Eastern boundary: West and North of a line drawn from the most southern tip of Gun Point, Harpswell, to G “3”, South of Round Rock; continuing in a southwesterly direction to R N “2” at Eastern Drunkers Ledge, then continuing to the southeastern tip of Jewell island.

2. Sheepscot River Area:

South of a line drawn from the most northeastern point of Dogfish Head to the most northeastern point of Macmahan Island ~~southern~~, and south of a line drawn from the most northwestern point of Macmahan Island to the most northeastern tip of Soldier Point and south and east of the Southport Island Bridge. Then north of a line drawn from the most southern point of Outer Head Island at Griffith Head, Georgetown to the most southern tip of Cape Island, Southport and then to the most southern tip of Fishermen Island. Then, north of a line from the most northern tip of Fishermen Island to the most southern point of Ocean Point.

3. ~~Muscongus~~ Western Penobscot Area:

~~Western boundary: North and east of a line beginning at the intersection of Latitude 43° 55' N on Pemaquid Neck (just north of Brown's Cove, Bristol), and following this latitude to its intersection on the eastern side of Hupper Island, Port Clyde, then to the southern tip of Marshall Point, and to include both Medomak and St. George Rivers.~~

~~Eastern boundary: South and west of a line starting at the northern end of the Rackliff Island causeway then following the shore to the most southern point of Rackliff Island continuing to the most southern point of Norton Island and then continuing to the most southern point of Whitehead Island then to the southern end of Two Bush Island and continuing in a southwest direction to the most eastern tip of Mosquito Island, St. George and then from the west shore of Mosquito Island to the most southern tip of Marshall Point, Port Clyde.~~

4. Whiting Bay and Denny's Bay Area:

It shall be unlawful to fish for or take scallops and or 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 Bay and Denny's Bay.

5. Muscle Ridge

Eastern boundary: West and South of a line drawn from the most eastern tip of Ash Point, South Thomaston at Latitude 44° 02.805 N Longitude 069° 04.393 W to RW "PA" Mo (A) GONG; then continuing southwest to the northern tip of Two Bush Island.

Western boundary: North of a line starting at the northern end of the Rackliff Island causeway then following the shore to the most southern point of Rackliff Island continuing to the most southern point of Norton Island and then continuing to the most southern point of Whitehead Island then to the southern end of Two Bush Island.

6. Damariscotta River

North of a line drawn from Emerson Point at the southern most tip of Ocean Point in the town of Boothbay, easterly to Thrumcap Island, then northerly to the southern tip of Rutherford Island, South Bristol.

11.10 Cobscook Bay Limits and Restrictions.

1. Cobscook Bay.

A. Shellstock ratio to meat count.

For the purposes of 12 M.R.S. §6728, one and a half bushels of shellstock shall be equal to one gallon of scallop meat.

B. Daily harvest and possession limits.

(1) Daily Harvest and Possession Limit for Individuals Issued a License under §6702 or 6302-A for scallop dragging

Except as allowed pursuant to Chapter 11.19(2), it is unlawful to fish for, take or possess more than 10 gallons of scallop meat or any aggregate of meat and shellstock, which is greater than the equivalent of 10 gallons of meat per day per vessel.

(2) Daily Harvest and Possession Limit for Individuals Issued a License under §6701 or 6302-A for scallop diving

It is unlawful for an individual licensed under §6701 or 6302-A for scallop diving to fish for, take or possess more than 10 gallons of scallop meat or any aggregate of meat and shellstock, which is greater than the equivalent of 10 gallons of meat per day. ~~If more than one individual licensed under §6701 or 6302-A for scallop diving use the same vessel to fish for or take scallops on the same fishing day, it is unlawful for those individuals to possess or land more than 20 gallons of scallop meat, or any aggregate of meat and shellstock equivalent to 20 gallons of meat per vessel per day.~~

~~This section will sunset November 30, 2018.~~

11.11 Open and Closed Scallop Fishing Days

1. Zone 1 season for draggers

The Atlantic Sea Scallop harvesting season in Maine's territorial waters for draggers in Zone 1 is open ~~December 4, 2017~~ 10, 2018 through ~~April 10, 2018~~ March 28, 2019, both days inclusive, with the following exceptions:

- A. In December ~~2017~~ 2018, fishing is prohibited on days 3, 4, and 5; Thursday, Fridays, Saturdays and Sundays; and December 25, ~~2017~~ 2018, except on Thursday, December 27, 2018 which will be open.
- B. In January ~~2018~~ 2019, February ~~2018~~ 2019 and March 2019, fishing is prohibited on Fridays, Saturdays and Sundays; and January 1, ~~2018~~ 2019.
- C. ~~In March 2018, fishing is prohibited on Thursdays, Fridays, Saturdays and Sundays; and March 28, 2018.~~
- D. ~~In April 2018, fishing is prohibited on Wednesdays, Thursdays, Fridays, Saturdays and Sundays.~~

2. Zone 1 season for divers

The Atlantic Sea Scallop harvesting season in Maine's territorial waters for divers in Zone 1 is open ~~December 1, 2017~~ November 20, 2018 through ~~April 15, 2018~~ 20, 2019, both days inclusive, with the following exceptions:

- A. Fishing is prohibited in the month of November, 2018 except on days 20, 21, 28, 29 and 30, 2018. In the month of December ~~2017~~ 2018, fishing is prohibited on Sundays and Mondays, and also December 25, 2018. ~~except Monday, December 18, 2017, which shall be open~~
- B. In the month of January ~~2018~~ 2019, fishing is prohibited, except ~~for~~ on days January 2, 3, 4, and 5, ~~6, 2018~~ 2019 which shall remain open.
- C. Fishing is prohibited in the month of February ~~2018~~ 2019.
- D. In the month of March ~~2018~~ 2019, fishing is prohibited from March 1 through 9 11, ~~2018~~ 2019 inclusive and the ~~three~~ four following Sundays and Mondays.
- E. In the month of April ~~2018~~ 2019, fishing is prohibited on Sundays and Mondays, except ~~Sunday~~ Monday, April 15, ~~2018~~ 2019, which shall be open.

3. Zone 2 season for draggers

The Atlantic Sea Scallop harvesting season in Maine's territorial waters for draggers in Zone 2 is open December 4 3, ~~2017~~ 2018 through March 29, ~~2018~~ 2019, both days inclusive, with the following exceptions:

- A. In December ~~2017~~ 2018, fishing is prohibited on Fridays, Saturdays and Sundays, except Fridays ~~December 8 and 29, 2017~~ 7 and 14, 2018 which shall remain open. Fishing is prohibited on ~~Monday, December 25, 2017~~ 2018.
- B. In January ~~2018~~ 2019 and February ~~2018~~, fishing is prohibited on Fridays, Saturdays and Sundays, except Fridays, January ~~5 4 and 11, 2018~~ 2019 and February ~~2, 2018~~ which shall remain open. Fishing is prohibited on Monday, January 1, ~~2018~~ 2019.
- C. In February and March 2018 2019, fishing is prohibited on Fridays, Saturdays and Sundays.

4. Zone 2 season for divers

The Atlantic Sea Scallop harvesting season in Maine's territorial waters for divers in Zone 2 is open December 1, ~~2017~~ 2018 through April ~~14, 2018~~ 13, 2019, both days inclusive, with the following exceptions:

- A. In the months of December ~~2017~~ 2018, ~~January 2018 and February 2018~~, fishing is prohibited on Sundays, Mondays and Tuesdays.
- B. In the months January and February 2019, ~~of March 2018~~, fishing is prohibited on Sundays, Mondays, and Tuesdays.
- C. In the month of ~~April 2018~~ March 2019, fishing is prohibited on Sundays, Mondays, Tuesdays and Wednesdays ~~and Thursdays~~.
- D. In the month of April 2019, fishing is prohibited on Sundays, Mondays, Tuesdays, and Wednesdays and also April 11, 2019.

5. Zone 2 State Waters season

In addition to the dates identified for draggers and divers in Zone 2 in sections 3 and 4 above, the Atlantic Sea Scallop harvesting season in Maine's territorial waters around Machias Seal Island and North Rock is open ~~March 1, 2018 through March 31, 2018~~ January 1, 2019 through January 31, 2019, both days inclusive. ~~Fishing will be prohibited during the months of December, January, February, and April, 2018.~~

6. Zone 3 season for draggers

The Atlantic Sea Scallop harvesting season in Maine's territorial waters for draggers in Zone 3 is open December ~~4, 2017~~ 3, 2018 through March ~~28, 2018~~ 27, 2019, both days inclusive, with the following exceptions:

- A. Fishing is prohibited on Thursdays, Fridays, Saturdays and Sundays in the month of December 2018, ~~except Friday, December 8, 2017 which shall remain open. Fishing is~~ and prohibited on Monday, December 25, 2017 2018.
- B. Fishing is prohibited on Thursdays, Fridays, Saturdays and Sundays in the months of January, February and March ~~2018 2019~~. ~~except Thursday, January 4, 2018~~ ~~which shall remain open~~

7. Zone 3 season for divers

The Atlantic Sea Scallop harvesting season in Maine’s territorial waters for divers in Zone 3 is open December 1, 2017 ~~2018~~ through ~~April 14, 2018~~ March 28, 2019, both days inclusive, with the following exceptions:

- A. Fishing is prohibited on Sundays, Mondays, Tuesdays and Wednesdays in the months of December ~~2017 2018~~, and January, February, and March ~~April 2018 2019~~.
- ~~B. In the month of February 2018, fishing is prohibited on Sundays, Mondays, Tuesdays, Wednesdays and Thursdays.~~

11.12 Ten (10) Year Rotational Management Plan

1. Zone Two (2): Eastern Maine

The open and closed seasons in the specified areas within Zone Two (2) shall be open on a rotational basis as shown in the following table:

Zone Two (2) Eastern Maine 10 Year Rotational Management Plan Schedule										
Rotation	Year 1 2012-13 Season	Year 2 2013-14 Season	Year 3 2014-15 Season	Year 4 2015-16 Season	Year 5 2016-17 Season	Year 6 2017-18 Season	Year 7 2018-19 Season	Year 8 2019-20 Season	Year 9 2020-21 Season	Year 10 2021-22 Season
First	X	X	OPEN	X	X	OPEN	X	X	OPEN	X
Second	OPEN	OPEN	X	X	OPEN	X	X	OPEN	X	X
Third	OPEN	OPEN	X	OPEN	X	X	OPEN	X	X	OPEN

C Third Rotation

It shall be unlawful to fish for, take, or possess scallops taken by any method within any of the following closed areas, except for the 2012-13 fishing season, the 2013-14 fishing season, the 2015-16 fishing season, the 2018-19 fishing season and the 2021-22 fishing season. All directions are relative to True North (not Magnetic unless specified as such).

Transiting exception:

Any vessel possessing scallops onboard, may transit these closed areas, only if the vessel has all fishing gear (dredges, drags) 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 block or on the winch.

(1) Machias Area

North and East of a line starting at Bucks Head, Machiasport proceeding east to the southern end of Northwest Head on Cross Island then due South to the three mile limit, and West of a line drawn due south from Great Head, Cutler to the three mile limit.

(2) Wohoa/Western Bay

Eastern boundary: West of the Jonesport Bridge then True South from the most

Eastern tip of Little Pond Head to the three mile limit.

Western boundary: North and East of a line starting at the most eastern end of Tibbett Island going due North to the closest point of land on Moose Neck and southeast to the most northern tip of eastern Plummer Island then the most western tip of Toms Island; then True South to the three mile limit.

(3) Gouldsboro/Dyer Bay

Eastern boundary: South and West of a line starting at the most southern tip of Petit Manan to EB gong. then South to the northern most tip of Green Island; then from the southeastern top of Green Island to the northern tip of Petit Manan Island; then from the southern tip of Petit Manan Island to N²; then to G¹ bell; then True South to the three mile limit.

Western boundary: North and East of a line starting from the southern most tip of Schoodic Point Magnetic South to the three mile limit (western boundary of the Zone A lobster management zone).

(4) Upper Blue Hill Bay/Union River

North of a line from Eastern most point of Harriman Point due East to the southern tip of Hardwood Island, then South to the northern tip of Moose Island, then from the southern tip of Moose Island East to Reed Point, Mount Desert Island.

(5) Lower Jericho Bay

Northern boundary: South and east of a line from the southeastern point of Stinson Neck, Deer Isle to the southeastern point of Naskeag Point, Brooklin; continuing southeast to The northern most tip of Swan's Island Head, Swan's Island.

Eastern boundary: North and West of a line from northern most tip of Swans Island Head; continuing South from West Point, Swans Island to Long Point, Marshall Island; then West of a line from the southern most tip of Lower Head, Marshall Island running True South to the three mile limit.

Western boundary: East and south of a line from the southwestern tip of Stinson Neck, Deer Isle west to the eastern tip of Coles Head on Whitmore Neck, Deer Isle; then south to the western most point of Millett Island, then South to Richs Point, Isle Au Haut; then from the southern tip of Eastern Head, Isle au Haut, True South to the three mile limit.

(6) Eggmoggin Reach/Southeast Harbor

Eastern boundary: North and West of a line from the most southeastern point of Stinson Neck, Deer Isle then running to Naskeag Point, Brooklin AND North of a line starting at the most southwestern tip of Stinson Neck, Deer Island running to Coles Point on Whitmore Neck, Deer Island; this includes all of Southeast Harbor.

Western boundary: South and West of the Deer Isle Bridge.

(7) Lower Penobscot Bay & Outer Islands

Northern/Western boundary: South of a line starting at Pulpit Rock, North Haven due West to the Sea Urchin Zone line at Latitude 44 09.551 N Longitude 69 01.510 W and continuing south along the Sea Urchin Zone line to the three mile limit, encompassing the territorial waters around all the outer islands of Penobscot Bay including ~~Little Green Island, Large Green Island~~, Matinicus Island, Ragged Island, Wooden Ball Island, Seal Island and Matinicus Rock.

Eastern boundary: West of a line starting at Calder Wood Point, Vinalhaven to Fish Point, North Haven; then West of a line from the southernmost point of Lane Island, Vinalhaven, True South to the three mile limit.

(8) Outer Islands (Machias Seal Island and North Rock)

Territorial waters surrounding Machias Seal Island and North Rock.

Strike this Zone 1 drag calendar page:

2017 - 2018 Scallop Season Calendar

Zone One (1)

60 Day DRAG Season (15 gallons)

Zone 1 Limited Access Areas Draggers
 Open
 Closed

December 2017						
S	M	Tu	W	Th	F	S
					1	2
3	4 O	5 O	6 O	7	8	9
10	11 O	12 O	13 O	14	15	16
17	18 O	19 O	20 O	21	22	23
24	25	26 O	27 O	28	29	30
31						

11

January 2018						
S	M	Tu	W	Th	F	S
	1	2 O	3 O	4 O	5	6
7	8 O	9 O	10 O	11 O	12	13
14	15	16 O	17 O	18 O	19	20
21	22 O	23 O	24 O	25 O	26	27
28	29 O	30 O	31 O			

18

February 2018						
S	M	Tu	W	Th	F	S
				1 O	2	3
4	5 O	6 O	7 O	8 O	9	10
11	12 O	13 O	14 O	15 O	16	17
18	19	20 O	21 O	22 O	23	24
25	26 O	27 O	28 O			

16

March 2018						
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	29	30	31

11

April 2018						
S	M	Tu	W	Th	F	S
1	2 O	3 O	4	5	6	7
8	9 O	10 O	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

4

Muscle Ridge:
OPEN Tuesdays to Dragers;
OPEN Thursdays to Divers.

Limited Access Areas:
Casco Bay
Sheepscot River
Muscongus Bay

Total Days
60

Total Limited Access Areas Days
14

Total Weeks
19

Strike this Zone 2 drag calendar page:

2017 - 2018 Scallop Season Calendar

Zone Two (2)

70 Day DRAG Season (15 gallons)

Zone 2 Limited Access Areas Draggers
 Open
 Closed

December 2017						
S	M	Tu	W	Th	F	S
					1	2
3	4 O	5 O	6 O	7 O	8 O	9
10	11 O	12 O	13 O	14 O	15	16
17	18 O	19 O	20 O	21 O	22	23
24	25 O	26 O	27 O	28 O	29 O	30
31						

17

January 2018						
S	M	Tu	W	Th	F	S
	1	2 O	3 O	4 O	5 O	6
7	8 O	9 O	10 O	11 O	12	13
14	15 O	16 O	17 O	18 O	19	20
21	22 O	23 O	24 O	25 O	26	27
28	29 O	30 O	31 O			

19

February 2018						
S	M	Tu	W	Th	F	S
				1 O	2 O	3
4	5 O	6 O	7 O	8 O	9	10
11	12 O	13 O	14 O	15 O	16	17
18	19 O	20 O	21 O	22 O	23	24
25	26 O	27 O	28 O			

17

March 2018						
S	M	Tu	W	Th	F	S
				1 O	2	3
4	5 O	6 O	7 O	8 O	9	10
11	12 O	13 O	14 O	15 O	16	17
18	19 O	20 O	21 O	22 O	23	24
25	26 O	27 O	28 O	29 O	30	31

17

April 2018						
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 O	24	25	26	27	28
29	30					

0

Total Days
70

Total Limited Access Areas Days
12

Total Weeks
17

Strike this Zone 3 drag calendar page:

2017 - 2018 Scallop Season Calendar

Zone Three (3)

55 Day DRAG Season (10 gallons)

Zone 3 Limited Access Areas Draggers
 Open
 Closed

December 2017						
S	M	Tu	W	Th	F	S
					1	2
3	4 O	5 O	6 O	7 O	8 O	9
10	11 O	12 O	13 O	14 O	15	16
17	18 O	19 O	20 O	21 O	22	23
24	25 O	26 O	27 O	28 O	29	30
31						

16

January 2018						
S	M	Tu	W	Th	F	S
	1	2 O	3 O	4 O	5	6
7	8 O	9 O	10 O	11	12	13
14	15 O	16 O	17 O	18	19	20
21	22 O	23 O	24 O	25	26	27
28	29 O	30 O	31 O			

15

February 2018						
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			

12

March 2018						
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

12

April 2018						
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					

0

Limited Access Areas:
Whiting/Dennys Bay

Total Days
55

Total Limited Access Areas Days
15

Total Weeks
17

Strike this Zone 1 dive calendar page:

2017-2018 Scallop Season Calendar Zone One (1) 60 Day DIVE Season (15 gallons)

Zone 1 Limited Access Areas Divers Open Closed

December 2017						
S	M	Tu	W	Th	F	S
					1	2
					O	O
3	4	5	6	7	8	9
		O	O	O	O	O
10	11	12	13	14	15	16
		O	O	O	O	O
17	18	19	20	21	22	23
	O	O	O	O	O	O
24	25	26	27	28	29	30
		O	O	O	O	O
31						

23

January 2018						
S	M	Tu	W	Th	F	S
	1	2	3	4	5	6
		O	O	O	O	O
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			

5

February 2018						
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			

0

March 2018						
S	M	Tu	W	Th	F	S
				1	2	3
4	5	6	7	8	9	10
						O
11	12	13	14	15	16	17
	O	O	O	O	O	O
18	19	20	21	22	23	24
	O	O	O	O	O	O
25	26	27	28	29	30	31
	O	O	O	O	O	O

19

April 2018						
S	M	Tu	W	Th	F	S
1	2	3	4	5	6	7
	O	O	O	O	O	O
8	9	10	11	12	13	14
	O	O	O	O	O	O
15	16	17	18	19	20	21
	O					
22	23	24	25	26	27	28
29	30					

13

Muscle Ridge:
OPEN Tuesdays to Dragers;
OPEN Thursdays to Divers.

Total Days
60

Total Limited Access Areas Days
18

Total Weeks
12

Strike this Zone 2 dive calendar page:

2017-2018 Scallop Season Calendar Zone Two (2) 70 Day DIVE Season (15 gallons)

Zone 2 Limited Access Areas Diver Open Closed

December 2017						
S	M	Tu	W	Th	F	S
					1	2
					O	O
3	4	5	6	7	8	9
			O	O	O	O
10	11	12	13	14	15	16
			O	O	O	O
17	18	19	20	21	22	23
			O	O	O	O
24	25	26	27	28	29	30
			O	O	O	O
31						

18

January 2018						
S	M	Tu	W	Th	F	S
	1	2	3	4	5	6
			O	O	O	O
7	8	9	10	11	12	13
			O	O	O	O
14	15	16	17	18	19	20
			O	O	O	O
21	22	23	24	25	26	27
			O	O	O	O
28	29	30	31			
			O			

17

February 2018						
S	M	Tu	W	Th	F	S
				1	2	3
				O	O	O
4	5	6	7	8	9	10
			O	O	O	O
11	12	13	14	15	16	17
			O	O	O	O
18	19	20	21	22	23	24
			O	O	O	O
25	26	27	28			
			O			

16

March 2018						
S	M	Tu	W	Th	F	S
				1	2	3
				O	O	O
4	5	6	7	8	9	10
			O	O	O	O
11	12	13	14	15	16	17
			O	O	O	O
18	19	20	21	22	23	24
			O	O	O	O
25	26	27	28	29	30	31
			O	O	O	O

15

April 2018						
S	M	Tu	W	Th	F	S
1	2	3	4	5	6	7
				O	O	O
8	9	10	11	12	13	14
			O	O	O	O
15	16	17	18	19	20	21
			O	O	O	O
22	23	24	25	26	27	28
			O	O	O	O
29	30					
			O			

4

Total Days
70

Total Limited Access Areas Days
20

Total Weeks
20

Strike this Zone 3 dive calendar page:

2017-2018 Scallop Season Calendar Zone Three (3) 55 Day DIVE Season (10 gallons)

Zone 3 Limited Access Areas Divers Open Closed

December 2017						
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 O
24	25	26	27	28 O	29 O	30 O
31						

14

January 2018						
S	M	Tu	W	Th	F	S
	1	2	3	4 O	5 O	6 O
7	8	9	10	11 O	12 O	13 O
14	15	16	17	18 O	19 O	20 O
21	22	23	24	25 O	26 O	27 O
28	29	30	31			

12

February 2018						
S	M	Tu	W	Th	F	S
				1	2 O	3 O
4	5	6	7	8	9 O	10 O
11	12	13	14	15	16 O	17 O
18	19	20	21	22	23 O	24 O
25	26	27	28			

8

March 2018						
S	M	Tu	W	Th	F	S
				1 O	2 O	3 O
4	5	6	7	8 O	9 O	10 O
11	12	13	14	15 O	16 O	17 O
18	19	20	21	22 O	23 O	24 O
25	26	27	28	29 O	30 O	31 O

15

April 2018						
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	21
22	23	24	25	26	27	28
29	30					

6

Total Days
55

Total Limited Access Areas Days
20

Total Weeks
20

Insert this Zone 1 drag calendar as if underlined (at the end of Ch. 11):

2018 - 2019 Scallop Season Calendar

Zone One (1)

60 Day DRAG Season (15 gallons)

O Zone 1 Limited Access Areas Draggers
O Open
 Closed

December 2018						
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					

10

January 2019						
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		

18

February 2019						
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		

16

March 2019						
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
30	31					

16

Total Days
60

Total Limited Access Areas Days
12

Total Weeks
17

Insert this Zone 2 drag calendar as if underlined (at the end of Ch. 11):

2018 - 2019 Scallop Season Calendar

Zone Two (2)

70 Day DRAG Season (15 gallons)

Zone 2 Limited Access Areas Draggers
 Open
 Closed

December 2018						
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	22
23	24 O	25	26 O	27 O	28	29
30	31 O					

18

January 2019						
S	M	Tu	W	Th	F	S
		1	2 O	3 O	4 O	5
6	7 O	8 O	9 O	10 O	11 O	12
13	14	15 O	16 O	17 O	18	19
20	21 O	22 O	23 O	24 O	25	26
27	28 O	29 O	30 O	31 O		

20

February 2019						
S	M	Tu	W	Th	F	S
					1	2
3	4 O	5 O	6 O	7 O	8	9
10	11 O	12 O	13 O	14 O	15	16
17	18 O	19 O	20 O	21 O	22	23
24	25 O	26 O	27 O	28 O		

16

March 2019						
S	M	Tu	W	Th	F	S
					1	2
3	4 O	5 O	6 O	7 O	8	9
10	11 O	12 O	13 O	14 O	15	16
17	18 O	19 O	20 O	21 O	22	23
24	25 O	26 O	27 O	28 O	29	30
31						

16

Total Days
70

Total Limited Access Areas Days
0

Total Weeks
17

Insert this Zone 3 drag calendar as if underlined (at the end of Ch. 11):

2018 - 2019 Scallop Season Calendar

Zone Three (3)

50 Day DRAG Season (10 gallons)

O Zone 3 Limited Access Areas Draggers
O Open
 Closed

December 2018						
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	26 O	27	28	29
30	31 O					

12

January 2019						
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 O	24	25	26
27	28 O	29 O	30 O	31		

14

February 2019						
S	M	Tu	W	Th	F	S
					1	2
3	4 O	5 O	6 O	7	8	9
10	11 O	12 O	13 O	14	15	16
17	18 O	19 O	20 O	21	22	23
24	25 O	26 O	27 O	28		

12

March 2019						
S	M	Tu	W	Th	F	S
					1	2
3	4 O	5 O	6 O	7	8	9
10	11 O	12 O	13 O	14	15	16
17	18 O	19 O	20 O	21	22	23
24	25 O	26 O	27 O	28	29	30
30	31					

12

Total Days
50

Total Limited Access Areas Days
17

Total Weeks
17

Insert this Zone 1 dive calendar as if underlined (at the end of Ch. 11):

2018 - 2019 Scallop Season Calendar Zone One (1) 60 Day DIVE Season (15 gallons)

Zone 1 Limited Access Areas Divers Open Closed

November 2018						
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	

5

December 2018						
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					

20

January 2019						
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		

4

February 2019						
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		

0

March 2019						
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
30	31					

15

April 2019						
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				

16

Total Days
60

Total Limited Access Areas Days
16

Total Weeks
13

Insert this Zone 2 dive calendar as if underlined (at the end of Ch. 11):

2018 - 2019 Scallop Season Calendar Zone Two (2) 70 Day DIVE Season (15 gallons)

Zone 2 Limited Access Areas Diver Open Closed

November 2018						
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	

0

December 2018						
S	M	Tu	W	Th	F	S
						1 o
2	3	4	5 o	6 o	7 o	8 o
9	10	11	12 o	13 o	14 o	15 o
16	17	18	19 o	20 o	21 o	22 o
23	24	25	26 o	27 o	28 o	29 o
30	31					

17

January 2019						
S	M	Tu	W	Th	F	S
		1	2 o	3 o	4 o	5 o
6	7	8	9 o	10 o	11 o	12 o
13	14	15	16 o	17 o	18 o	19 o
20	21	22	23 o	24 o	25 o	26 o
27	28	29	30 o	31 o		

18

February 2019						
S	M	Tu	W	Th	F	S
					1 o	2 o
3	4	5	6 o	7 o	8 o	9 o
10	11	12	13 o	14 o	15 o	16 o
17	18	19	20 o	21 o	22 o	23 o
24	25	26	27 o	28 o		

16

March 2019						
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 o
24	25	26	27	28 o	29 o	30 o
30	31					

14

April 2019						
S	M	Tu	W	Th	F	S
	1	2	3	4 o	5 o	6 o
7	8	9	10	11	12 o	13 o
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

5

Total Days
70

Total Limited Access Areas Days
0

Total Weeks
20

Insert this Zone 3 dive calendar as if underlined (at the end of Ch. 11):

2018 - 2019 Scallop Season Calendar
Zone Three (3)
50 Day DIVE Season (10 gallons)

Zone 3 Limited Access Areas Diver Open Closed

November 2018						
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	

0

December 2018						
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					

13

January 2019						
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		

13

February 2019						
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		

12

March 2019						
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
30	31					

12

April 2019						
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				

0

Total Days
50

Total Limited Access Areas Days
17

Total Weeks
18

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 11 Scallops; 2018-19 Season

STATUTORY AUTHORITY: 12 M.R.S. §6171, 6722

DATE AND PLACE OF PUBLIC HEARING:

September 10, 2018, 6:00 PM, DMR – Augusta, 32 Blossom Lane, Augusta, ME;
September 11, 2018, 6:00 PM, University of Maine at Machias, Rm 102, 116 O'Brien Avenue Machias, ME;
September 12, 2018, 6:00 PM, Ellsworth City Hall Auditorium, One City Hall Plaza, Ellsworth, ME

COMMENT DEADLINE: 09/24/2018

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

Scallop regulations must be updated for each new season to adjust the schedules and closure lines based on lessons learned from the previous 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-making establishes the 2018-2019 scallop fishing season. As in the 2017-2018 season, there would be a daily possession limit of 15 gallons for Zone 1 and Zone 2, and a daily possession limit of 10 gallons for Zone 3. For Zone 1, a 60-day season for dragnets would begin on December 10, 2018 and the last day of the season would be March 28, 2019. For Zone 1, a 60-day season for divers would start on November 20, 2018 and the last day of the season would be April 20, 2019. For Zone 2, a 70-day season for dragnets would start on December 3, 2018 and the last day of the season would be March 28, 2019. For Zone 2, a 70-day season for divers would start on December 1, 2018 and the last day of the season would be April 13, 2019. For Zone 3, a 50-day season for dragnets would begin on December 3, 2018 and the last day of the season would be March 27, 2019. For Zone 3, a 50-day season for divers would begin on December 1, 2018 and the last day of the season would be March 28, 2019.

In Zone 1, Casco Bay, Sheepscot River, Damariscotta River, Muscle Ridge, and W. Penobscot Bay Areas, as well as Whiting/Dennys Bays in Zone 3 are proposed as Limited Access Areas with reduced harvesting days. In Zone 2, territorial waters surrounding Machias Seal Island and North Rock would be open to harvest all days during January 2018, in addition to open Zone 2 calendar days throughout the season.

DMR would maintain the following targeted closures based on depletion, high concentrations of seed/sublegal scallops and/or the presence of spat-producing scallops: Lower Muscle Ridge, Eastern Casco Bay, Upper Sheepscot River, New Meadows River, Card Cove and Beals-Jonesport Bridge.

This rule proposes to remove the drag size gear restrictions in the Kittery area, Swan's Island Conservation area and Gouldsboro Bay. In these areas, harvests would be able to utilize any drag size, provided it does not exceed the State maximum of 10' 6".

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]

Recommendations from the Scallop Advisory Council, scallop industry members [harvesters and dealers] and Bureau of Marine Science staff.

ESTIMATED FISCAL IMPACT OF THE RULE: [see §8057-A(1)(C)]

Enforcement of this rule 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)]

Note: If necessary, additional pages may be used

Basis Statement

This rule establishes the 2018-2019 scallop fishing season. As in the 2017-2018 season, there is a daily possession limit of 15 gallons for Zone 1 and Zone 2, and a daily possession limit of 10 gallons for Zone 3. For Zone 1, a 60-day season for draggers begins on December 10, 2018 and the last day of the season is March 28, 2019. For Zone 1, a 60-day season for divers starts on November 20, 2018 and the last day of the season is be April 20, 2019. For Zone 2, a 70-day season for draggers starts on December 3, 2018 and the last day of the season is March 28, 2019. For Zone 2, a 70-day season for divers starts on December 1, 2018 and the last day of the season is April 13, 2019. For Zone 3, a 50-day season for draggers begins on December 3, 2018 and the last day of the season is March 27, 2019. For Zone 3, a 50-day season for divers begins on December 1, 2018 and the last day of the season is March 28, 2019.

In Zone 1, Casco Bay, Sheepscot River, Damariscotta River, Muscle Ridge, and W. Penobscot Bay Areas, as well as Whiting/Dennys Bays in Zone 3 are Limited Access Areas with reduced harvesting days. In Zone 2, territorial waters surrounding Machias Seal Island and North Rock are open to harvest all days during January 2019, in addition to open Zone 2 calendar days throughout the season.

DMR is maintaining the following targeted closures based on depletion, high concentrations of seed/sublegal scallops and/or the presence of spat-producing scallops: Lower Muscle Ridge, Eastern Casco Bay, Upper Sheepscot River, New Meadows River, Card Cove and Beals-Jonesport Bridge.

This rule removes the sunset provision that capped the vessel limit of dive harvested scallops to 30 gallons when two or more licensed scallop divers are utilizing the same platform.

This rule removes the specific drag size gear restrictions in the Kittery area (currently 5'6"), Swan's Island Conservation area (currently 8'6"), and Gouldsboro Bay (currently 4'6"). Harvesters can utilize any drag size, provided it does not exceed the State maximum of 10' 6."

In consideration of comments, the Department made the following changes:

- Zone 2 dive calendar was modified to re-distribute days from March and April into January and February, 2019.
- Section 11.10 was included and also modified to be consistent with section 11.07.

Summary of Comments:

Notice of this proposed rulemaking appeared on August 22, 2018 in the five major daily newspapers as published by the Secretary of State. On August 22, 2018, the rule was posted on the DMR website, and electronic messages were sent to individuals who subscribe to DMR notices. Electronic notice was provided to scallop license holders, who provided the Department with an email address. Public hearings were advertised in compliance with the procedures outlined in the Maine Administrative Procedures Act and were held as follows: September 10, 2018, 6:00 PM, DMR – Augusta, September 11, 2018, 6:00 PM, University of Maine Machias-Machias, September 12, 2018, 6:00 PM, Ellsworth City Hall-Ellsworth. The comment period closed September 24, 2018.

Augusta Public Hearing:

Attendance:

Name	Affiliation (If specified)
Brian Preney	Zone 1, Divers
Brian Soper	
Melissa Smith and Amanda Ellis	DMR Staff

Machias Public Hearing

Attendance:

Name	Affiliation (If specified)
George Bamford	No affiliation specified
Dana Mitchell	
Robert Redmaker	
Earl Small	
Brent Redmaker	
Gary Small	
Sarah Dedmon	
Maurice Alley	
Ralph Dennison	Diver
Nathan Matthews	
Dy Farrell	
Billy Moore	Dragger
Ryan Schoppee	
Colon Alley	
Ben Crawford	
Mike Murphy	
Tony Wood	
Ed Couptill	
James Ackley	
Ricky Guptin	
Bill Anderson	
Robert Alley, Sr.	Committee
William Tuell	House District 139
Melissa Smith, Amanda Ellis, Matthew Carter (MPO), and Specialist Mark Murry	DMR Staff

Ellsworth Public Hearing

Attendance:

Name	Affiliation, if specified
David Tarr	Fisherman Drag/Dive
Joshua Trundy	F/V Miss Rebecka
Chris Chipman	F/V Flossy

Russel Leach	F/V My Girls
Curtis Haylock	No affiliation specified
James Leighton	
Jason Colby	
Lawrence Hodgkins	Commercial Fisherman
David Bachman	Dragger
Jamie Thurlow	
Fred Backman	
James West	
Brian Gordius	
Tim Robinson	Diver
Jeremy Card	
Melissa Smith, Amanda Ellis, Brent Chasse (MPO)	DMR Staff

Comments:

Brian Preney, Diver, Augusta Public Hearing, September 10, 2018

I am in favor of the schedule for the zone 1 dive season as written. I believe it will provide plenty of opportunity for both commercial and recreational divers. It is spread out enough so it will be very effective. I have some comments, which have stemmed from the SAC meetings. I suggested that the line in the Sheepscot River would be changed from the current north end of Mac Mahan Island/Dogfish Head and move it up to Kehali Point to the southern tip of Barters Island. The reason for this and it could be also a dive only situation, there are very specific spots there that really can't be dragged anyway. There is no reason using the spat argument to keep that closed to divers, since divers can't take under four inch anyways. It would be no effect at all on spat. This area has been closed for some time now and the risk is that the scallops will just age and die. They won't be able to be harvested at all, which will be terribly wasteful. I believe that would be an excellent addition to this proposed season and area designation schedule.

Brian Soper, Diver, Augusta Public Hearing, September 10, 2018

It's a good schedule.

W. William Anderson, Dragger, Machias Public Hearing, September 11, 2018

I fish both zone 2 and zone 3, and I also have a federal permit. As far as the Seal Island area my comments on those would be the way I fish that, the weather is terrible out there in winter time, so you are limited to days you can get. When you've got the ability to fish in the other waters you are not generally going to go there, but like on a Friday or a Saturday, or when those areas are closed, weather permitted you might go off there. That's the comments of how I've used that area. When you started limiting it, I didn't even go there last year because I had other things to do and other places to go. As far as your calendar is concerned you are loading all the days up front, which means the season ends early. I realize you are doing that because the price is better, but as far as I am concerned I am in this business to try to get an income through the winter. When you catch all the scallops in the first month or so, like last year. Last year I will say that I was disappointed with what I found in many of the areas. Cobscook Bay, I didn't even go there until late because I didn't think there would be much there. I only fished two days in the bay itself and then I fished a few more days and then you closed it. Course I was fishing outside the bay, I didn't go the bay because I didn't see a lot there. I am concerned we may see the same thing this year. I have not seen the seed that I saw years ago. In the past, we seem to have years where you get this massive seed dump and then you close it for all the little scallops, but we haven't had that problem. I'd like to think I am going to be surprised, but I was disappointed. I went west first of last year and I was disappointed with what I found down there. Then I fished around home and I did do alright there, but the meats were too small. Anyway, my comments on loading the days. I realize you get a better price, but you

shorten my season. You're leaving some areas open when there are only empty shells left there. I don't see the point in that. I prefer that you spread the season out more, so that it lasts longer. I think you are going the wrong way on drag size. I'll use Gouldsboro Bay, like they said before, there is two reasons they have that small drag size. One is to keep me out of there because I don't have a four and a half foot drag. I've never gone down there and it will keep me out of there. Once you open it up to something bigger, I might be there. That's the reason it's on there, because that is a very small area. That's how I understand it. When you open it up to ten foot that means anyone who feels like going in there can. You'll see a similar problem to what happened in Blue Hill Bay. I am not sure if there are moorings in there, but they went into Blue Hill Bay and tore moorings around and everything else. As far as I am concerned, we are trying to rebuild this resource and to open it up to more areas with bigger dredges, I think we should have smaller areas with smaller dredges.

George Bamford, Dragger, Machias Public Hearing, September 11, 2018

I think the calendar is fine. I think you should move Machias Seal Island to March because of the lobster gear out there. Those guys need to make as much money as they can and I think that would keep us apart. Drag size I think that is a good idea. I wish the other place weren't in law, because then you'd see a difference. I think in Cobscook the problem is you guys aren't letting them drag, so they are getting smothered.

Ralph Dennison, Diver, Machias Public Hearing, September 11, 2018

I am in favor of the three day on, three day off season in Cobscook Bay. When they used to have the Cobscook Fisherman's Association or whatever we had a three-day season up there for a reason. I am glad to see they've decided to go back to it. I think the drag size that is in statute should remain. I hope this gets passed as written.

Doug McLennan, submitted via email, September 11, 2018

I have a few comments on the upcoming scallop season. In zone 1 we were cut back ten days because of the state testing claiming low scallop abundance. That was several years ago, and should not have been a permanent adjustment. If you were to review our trip reports, and I would think the test tows should show we have a fairly stable resource, and should receive our ten days back. We have only given in our area, except for the regulations pertaining the divers. They have been given a very generous season, and limits upped per boat, and I feel we have received nothing. A diver has the potential to dive all of the days in the season in both zones, and they also get a earlier start. I also feel that having the LAA day, and the one open day in the Mussel Ridge on the same day as a rule that was supposed to be changed, and never was. We have most all the fishable bottom in our area that is away from the shore, and makes the weather a huge factor in getting days in. We used to have the days separated, but they were combined as an oversight, and never corrected. I feel this was a way of taking away a day from us that was never given back, and should be corrected. The LAA in our area should be just opened up anyway, as it is mostly mud, and hasn't really been fished that much anyways, and the scallops that are there in what small amount of bottom are small meats and do not appear to be healthy, and could used to be fished on . It would give us another day on the week when the weather gets tough. With the talk of the price being low his season, we will need all the help we can get. I do not see why the dates for the public meetings were released the morning of the first meeting, the one that I would have attended , that was closest to me, and in my zone. I got home from work, and checked e mail, and saw the meeting was already under way.

Tim Robinson, Diver, Ellsworth Public Hearing, September 12, 2018

I would like to comment on the zone 2 dive calendar. This year rotation opens all the inner bays to scalloping. The scallop beds are easy to get to and are limited in acreage. This makes the limited number of scallop beds hotly contested. To compete fairly in this derby fishery, I would like to see D.A.S. on the zone 2 dive calendar on Tuesday and Wednesday in March and April, moved to all Wednesdays in January and February. This would pretty much even it up, giving draggers just three more days than divers in December, January, and

February, then the proposed 12 more days. I am also in favor of keeping the 15-gallon limit as it is, no personal diver limits for multiple divers on a boat.

Jeremy Card, Diver, Ellsworth Public Hearing, September 12, 2018

I am a zone 2 scallop diver. I agree with Tim [reference to Mr. Robinson's comment above] on the days. I'd rather not have any days in April. I'd rather have them pushed all forward. I'd like to see the divers have their own zone. The draggers go first again this year and my harvest goes down because we can't see. If they go in and stir it all around then we can't see for two or three days. I think we should be in our own zones and push the days. I'd like to limit to however many divers-you can have two divers, even it is four. I had three divers on my boat, so it was only a bucket a piece for however many years. Marine Patrol patrols all of the waters so they can keep an eye on us easier if we are in our own zone.

James West, Dragger, Ellsworth Public Hearing, September 12, 2018

I am a dragger. I oppose the sunset that you have on divers, so they can have more buckets aboard the boat than what I can. I don't see the difference between their fishery and our fishery. We are after the same species so I think it should be fair. You give them six, I should be able to have six. I am in favor of the proposal for the drag to get rid of the 8 foot 6, four foot 6, and the five foot six areas. I looked at the days for us and I am fine with that too.

David Tarr, Ellsworth Public Hearing, September 12, 2018

I am happy with the calendars the way they are. I drag and dive. I do more dragging now than I do diving as I get a little longer in the tooth. The bag limit for the divers, I think you are on track with that because I think it is pretty hard to get 15 gallons if you are a diver. If people are getting 10 they are doing pretty well. You get your limit in a few days. It's not like three divers on a boat are likely to come in with a 55 gallon drum full of scallops. It is pretty hard to do, especially in light of the age of the fishermen. It gets harder every year. I am happy with you have it written up.

Nathan Matthews, Dive Tender, submitted via email, September 12, 2018

I am in favor for the 3 day week for both divers and draggers, Would also like to see the drag size stay the same.

Timothy Robinson, Diver, submitted via email, September 17, 2018

Hi, my name is Tim Robinson, Blue Hill Bay scallop diver since 1992. I would like to comment on the zone 2 dive calendar. This years rotation opens up all the inner bays to scalloping. The scallop beds are easy to get to and are limited in acreage. This makes the limited number of scallop beds hotly contested. To compete fairly in this derby fishery, I would like to see D.A.S. on the zone 2 dive calendar on Tues., Wends., in march and april, moved to all wends. in jan., feb. This would pretty much even it up, giving draggers just 3 more days than divers in Dec., Jan., Feb., than the proposed 12 more days. I am also in favor of keeping the 15 gallon limit as it is...no personal diver limits for multiple divers on a boat. Thank you for considering.

Justin Boyce, submitted via email, September 18, 2018

I do not agree with the 10 foot 6 inch drag limit being allowed state wide except coobscok bay. I believe all of these rules were put into place for a reason to try to keep larger vessels out of the smaller bays. I realize that we have a daily limit now but most of the guys fishing these larger drags do not finish any sooner then they guys with the smaller drags. Not sure if they are hiding scallops or just suck at fishing but either way it is not helping the bottom in any way. Also Digby drags shouldn't be legal under our rules because they do not have a back side causing them to be able to triple link and use cookies on both sides of the drag. This doesn't allow for hardly any smaller scallops to escape. I would like to get away from a drag size limit and put us all on a

drag weight limit. That would be the best way to restrict gear and limit the bottom devastation. Thanks for considering this even though I know it isn't going to help with anything.

W. William Anderson, Dragger, submitted via fax, September 20, 2018

I attended your public hearing on Chapter 11 Scallops; 2018-19 Season in Machias. I testified in opposition to your proposed rule but my testimony was limited partially because you did not display any maps of what areas would be open this season for zone 2. I did not find time to read far enough into the document provided to know exactly what areas would be open this year. When I got home I read further into the document you provided at the meeting and then dug through old maps to be sure I was familiar with what was open. Now I would like to provide further comment on your proposed rule.

1. I was pleased to see that the calendar for Zone 3 is back to three days a week and I support this part of the proposed rule.

2. What I am concerned about is the proposed calendar for Zone 2 and the five days a week in the first two weeks. If I recall correctly last year at public hearing fishermen asked for more days at the beginning of the season because the price tends to be better in the first part of the season. This is what fishermen wanted but what did the dealers think of this change? I do not see much sign of dealers at public hearings. If you know that there is lots of product out there then this might be OK. I was disappointed by what I found in the areas I tried at the beginning of the 2017- 18 season and when I got to Coobscook Bay it was closed early because the product was not there. I only spent four or five days there before it was closed. The problem I see this year is the bottom available is the smallest amount of area, of the three year rotations. Some also want to allow 10 feet of dredge in Gouldsboro Bay to. I do not hear anyone talking about how we can further rebuild some of the vacant bottom out there or better protect what we have rebuilt. The first year we closed some areas. We had 170 boats fishing.(This comes from my memory of information Trish showed years ago at the fisherman's forum this number should be fairly close.) Today I believe we are up around between 400 and 500 active boats. Some are new, bigger boats able to work in poorer weather. We will get more of those days and tow bigger drags. Do you want to catch most of the product in the first two weeks of the season? I believe we could get a good start on this with your proposed season for Zone 2. What do the dealers think of this calendar? Do they want all this product this early in the season? I propose the following changes, removing or closing December 5, December 7, December 12, and December 14. Then I would put this effort or open days on December 28, January 25, February 1, and February 8. I am providing copy of your calendar with my proposed changes red Xs to mark days I would suggest closing and black Xs to mark days I would suggest opening. My reasons for proposing to close some days and open others follows:

1. Most boats in most areas should get their limit in the first few weeks. This should give dealers plenty of fresh cut Maine scallops to market or sell. Some dealers freeze the product they are unable to sell during the season and sell the frozen product after the season closes. Has all the product frozen and placed storage from the 2017-18 season been sold? In the fall of 2017 scallops in Maine grocery stores were selling for \$18.99 to \$19.99 per pound. (This is my recollections of my observations In 2017.) Today 9/17/2018 scallops are selling for \$14.99. This is four to five dollars below last years prices. Are the Trump trade wars affecting the price of scallops? I hear we have dealers selling Maine lobsters to Canada for Canadian dealers to export to other countries. Maine dealers used to ship directly to these countries. As I think of strong/good market times, opening day of our scallop season is a week or more away from the beginning of the Christmas market time. Then there is New Years Celebrations and Valentines Day. So my thinking is we land for two days give the dealers a day off to sell off what they bought then another day to land so they have more fresh cut stuff for the weekend markets, the first two weeks, then four days the week before Christmas. Do dealers really wants to buy product on the 24th. They may have to hold these scallops until the 26th to sell. Should we consider closing the 24th and opening 21st of December or the 18th of January. Then we have all the week days before New Years to supply that holiday. Do dealers wants to have product coming in on the 31st They may have to hold these scallop meats until the 2nd of January to sell?

You could consider closing the 31st and giving us Sunday the 30th then dealers would have nice fresh cut product to sell on the 31st of December for New Years Celebrations. Then I put five day weeks in for the run up to Valentines Day. Having less days in the beginning gives managers a little more time to watch how things are coming in and decide if anything needs to be closed early. I know that Gouldsboro Bay has not stayed open for very many days in the past. There has also been talk of poor recruitment in Gouldsboro Bay in the past. I have not heard reports from recent surveys.

2. Opening Gouldsboro Bay to 10'6" drag size is a bad idea as I stated at the public hearing and I talked a little about above. This will allow and I suspect attract more boats to this little area. This is why the dredge size was put on so many years ago. Someone at the public hearing said it was put on in the 1960's. I knew fishermen from that area who were proud of how they were trying to protect this little bay. Most know that I feel all areas should be limited to 5'6" of drag until this fishery is more fully rebuilt. There is still a lot less vacant bottom out there in some areas. If we did limit the whole state to 5'6" or dredge I would still leave Gouldsboro Bay with their 4'6" drags to help limit the number of boat that show up there.

I have burned a lot of fuel checking out areas from Jericho Bay to the St. Croix River with a 5'6" drag. I will not share my observations here. Things have been improving but how can we help these areas of poor recruitment along while we continue to harvest product. 500 boats with 10'6" drags. I question this plan while we are rebuilding. 3. I do support you list of targeted closures.

PROPOSED * DRAFT * PROPOSED
2018 - 2019 Scallop Season Calendar
 Zone Two (2)
 70 Day DRAG Season (15 gallons)

Zone 2 Limited Access Areas Dragners Open Closed

December 2018						
S	M	Tu	W	Th	F	S
						1
2	3	4	5	6	7	8
	O	O	X	O	X	O
9	10	11	12	13	14	15
	O	O	X	O	X	O
16	17	18	19	20	21	22
	O	O	O	O	O	
23	24	25	26	27		29
	O		O	O	X	
30	31					
	O					

18

January 2019						
S	M	Tu	W	Th	F	S
		1	2	3	4	5
		O	O	O	O	
6	7	8	9	10	11	12
	O	O	O	O	O	
13	14	15	16	17	18	19
	O	O	O	O		
20	21	22	23	24		26
	O	O	O	O	X	
27	28	29	30	31		
	O	O	O	O		

20

February 2019						
S	M	Tu	W	Th	F	S
						2
					X	
3	4	5	6	7	8	9
	O	O	O	O	X	
10	11	12	13	14	15	16
	O	O	O	O		
17	18	19	20	21	22	23
	O	O	O	O		
24	25	26	27	28		
	O	O	O	O		

16

March 2019						
S	M	Tu	W	Th	F	S
					1	2
3	4	5	6	7	8	9
	O	O	O	O		
10	11	12	13	14	15	16
	O	O	O	O		
17	18	19	20	21	22	23
	O	O	O	O		
24	25	26	27	28	29	30
	O	O	O	O		
31						

16

Avery Kelley, submitted via email, September 23, 2018

I attended the meeting in Machias and my response is due September 24, 2018. Please accept this email as my response. Please also note that I had previously put in a recommendation during the previous year for 2017 but my suggestion "disappeared" even though I attended the meeting and I was told that I did not attend the meeting, which was incorrect as I submitted a proposal with Trisha (who is no longer working at DMR) during that year and we do not know where it went. I am therefore repeating and resubmitting my comments: Keep 70 days of scalloping open STATEWIDE for 2 buckets as a limit (as long as you keep the price up). No emergency closures. Right now you keep small areas open that are cleaned up within a week. Keep 5.5 foot drag inside. Boundary lines for 5.5 foot drag inside the islands. Anything outside the islands can use 10 foot drags. Common sense.

Togue Brawn, submitted via email, September 24, 2018

In general I approve of the seasons proposed. We've tweaked them over the years to a pretty good template and I approve of the proposed 2018/2019 seasons where they conform to that template. I oppose the proposal to allow divers five days in November. While in principle I like the idea of giving divers days outside the traditional season, I feel setting those days at a time that so obviously gives them "first crack" at the resource will do more harm than good. I understand divers and regulators will point out the small number of divers and the relatively low impact this experiment will have on the resource. But I feel it would be prudent to give these days to the divers in April or May rather than November for the following reasons:

- 1.) Perception-wise it will make a huge difference: draggers will be far more open to allowing divers access after they've stopped as opposed to allowing them first crack at the resource.
- 2.) The meat quality will be far superior in April or May so divers will get more meat for the same fishing mortality

I realize this could potentially create a repeat of a controversial situation from 2 years ago, when divers were allowed to continue to harvest an area that had been closed to draggers. However, I feel DMR could point this out to people in advance, noting that they're interested in separating the two calendars and perhaps working toward allowing summer diver days, and this was a first step. I feel in general people would prefer a few days at the end of the season as opposed to before it begins.

I also oppose the proposal of removing the limit of 30 gallons on dive boats with multiple divers. I begrudgingly agreed to support the change last year that allowed multiple divers to "stack" their limits to take up to 30 gallons on one boat. From what I recall this was going to sunset after one year and we'd have a chance to review the data to see if it had an impact before we made any changes. I would like to review data on the average pounds taken per diver in the 2017/2-18 season as opposed to the 2016/2017 season before we remove this cap. If DMR presents these data in the response to comments perhaps I'll feel more comfortable removing the cap. I realize the language will need to be changed regardless as right now it says it will sunset in 2018, but if the data is not available (or shows an increase in pounds landed per license) I would suggest just removing the language stating it will sunset, thereby leaving the cap in place.

I approve of standardizing drag size limits throughout the state, although I am anxious to read the comments from fishermen in those areas. If many fishermen in any one area want to keep the current limit, then I would defer to them. Thank you for the efforts you put into all of this. Keep up the good work DMR.

Department Response:

Calendars

There were no comments to suggest changes for either of the Zone 1 harvest calendars; two comments were in support of maintaining the dive calendars as proposed. At this time, the Department does not believe the scallop resource in Zone 1 could support an additional ten days of harvesting.

There were comments received regarding the configuration of both the Zone 2 drag and dive calendars. The Department did not modify the Zone 2 drag calendar any further based on the single suggestion received. The Zone 2 drag calendar as proposed was already a modification of the Scallop Advisory Council's recommended Zone 2 drag calendar and the purpose for the modification was twofold. The proposed calendar closely reflects the calendar that was utilized during the 2017-2018 season which was developed during the rulemaking process from multiple comments; and, considering this calendar worked well in the previous season, it will allow DMR staff to monitor harvest rates and total effort of the fishery in the upcoming season.

The Department did modify the Zone 2 dive calendar based on comments received. Days removed were March 19, 20, 26 and 27 and April 1, 2, 3, 8, 9, 10 and 11. Days added to the calendar were January 2, 9, 16, 23 and 30 and February 6, 13, 20 and 27 to reach a 70-day harvest calendar.

As proposed, Machias Seal Island and North Rock will be open as indicated by the Zone 2 drag calendar in addition to the entire month of January. There was a single comment suggesting to retain March as the open month as was the case during the 2017-2018 season. The Department choose not to modify the open month for Machias Seal Island and North Rock with the understanding that any harvestable biomass of scallops would be less available as the season progresses; gear conflicts should be minimal and scallop price tends to be higher at the beginning of the season rather than at the end of the season.

Several comments were positive with respect to the Zone 3 drag and dive calendars. As such, the Department will maintain those calendars as proposed; three days for each drag and dive, weekly for 50 days.

Historically, the opinion on daily harvest limits has been split among harvesters; those that want a lower daily limit with more calendar days versus a higher daily limit and less calendar days. There has been no recent discussion at the Scallop Advisory Council to move towards a state wide 70 day calendar with a state wide daily harvest limit of 10 gallons. As such, the Department would not initiate such changes until a proposal was thoroughly discussed and recommended by the Scallop Advisory Council.

Limited Access Areas

During the Scallop Advisory Council meeting on July 18th, 2018, the Department's recommendation for the 2018-2019 season was to close the Lower Sheepscot Limited Access Area, as it was opened the year prior with low activity. Anecdotal reports from the previous harvest season did not suggest the area could support an increase in effort. Monitoring and enforcement of a more northern line was an additional consideration.

Drag Restrictions

Six comments were received on this topic: three comments supporting the proposed rule on removing the drag restrictions in Gouldsboro Bay, Swans Island Conservation Area and Kittery Area and three comments opposing the removal of the drag restrictions. In this instance, the rule proposes to allow harvesters to use any drag size up to the state maximum of 10 foot six inches. During discussion at the Scallop Advisory Council held July 18th, 2018, the Council made the recommendation to remove the drag size restrictions in these three areas with the understanding that harvest rates are managed by a daily limit and that harvesters will use a variety of drag sizes in the area that best suits their vessel and harvest style.

Individual Dive Limits

There were several comments received pertaining to the removal of the sunset on the diver limits on a single platform. These comments were both in favor and in opposition of the proposed rule to remove the cap on multiple divers harvesting from a single platform.

Data from dealer reports were queried to determine if there were discernable differences between last season (2017-2018) and the season prior (2016-2017) that may reflect the impact that this rule might have had on the harvest rates for commercial diver activity in state waters. Please note that data for 2018 is incomplete as the year is still occurring and data from 2017 is also not finalized.

Table 1a shows all commercial state diver information pertaining to the number of trips, the meat pounds landed and the number of active harvesters occurring each year. Using this information, the average pounds landed per trip is calculated in the final column for each year. Considering that 2018 data is incomplete as the December harvest has not yet occurred, it is also useful to examine this data by season.

Table 1b shows by season all commercial state diver information pertaining to number of trips, meat pounds landed and the number of active harvesters occurring. The average pounds landed per trip is calculated in the final column and will represent a more realistic number than Table 1a. Essentially, the average pounds landed per trip by divers did not change significantly. From the data presented, it indicates that on average, divers harvest less than two 5-gallon buckets regardless of whether they operate solo or in groups.

Table 1a: Commercial Scallop Diver Data by Year (state data only)

Year	#Trips	Meat_Pounds	Active_Harvesters	Pounds/Trip
2016	514	31,754	44	62
2017*	511	33,649	38	66
2018**	110	7,026	14	64

Table 1b: Commercial Scallop Diver Data by Season (state data only)

Season	#Trips	Meat_Pounds	Active_Harvesters	Pounds/Trip
16-17	557	36,659	39	66
17-18	228	15,256	25	67

Calendar Revisions

Zone 2 dive calendar below uses red blocks to indicate days that were removed and green blocks to indicate days that were added to reach a 70-day harvest calendar.

REVISION BASED ON COMMENTS

2018 - 2019 Scallop Season Calendar

Zone Two (2)

70 Day DIVE Season (15 gallons)

Zone 2 Limited Access Areas Diver Open Closed

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	

0

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					

17

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		

18

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		

16

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						

14

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				

5

Total Days
70

Total Limited Access Areas Days
0

Total Weeks
20