

**NOTICE OF AGENCY RULE-MAKING ADOPTION**

**AGENCY:** Department of Marine Resources

**CHAPTER NUMBER AND TITLE:** Chapter 26 Sea Urchin Regulations and 2018-2019 Harvesting Season

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

**CONCISE SUMMARY:**

This regulation establishes open harvest days for the taking of sea urchins by divers, rakers, trappers, and draggers in Zones 1 and 2 for the 2018-2019 season. For Zone 1, 20-day seasons are established for divers, trappers, rakers and draggers in 2018-2019, from which harvesters may only fish up to 15 days of their choosing, the same number of days allowed during the 2017-2018 season. For Zone 2, 45-day seasons are established for divers, trappers, rakers and draggers in 2018-2019, from which harvesters may only fish up to 38 days of their choosing, the same number of days allowed during the 2017-2018 season. For the Whiting & Dennys Bays Limited Access Area in Zone 2, a 15-day season is established for Zone 2 divers, trappers, rakers and draggers in 2018-2019. This regulation also modifies the spatial closure of Cat Ledges Area and removes the sunset provision. The regulation clarifies the daily reporting requirement and substitutes the term “reporting device” for “transaction card” to allow for the use of more inexpensive technologies should they become available.

**EFFECTIVE DATE:**  
(LEAVE BLANK-ASSIGNED BY SECRETARY OF STATE)

**AGENCY CONTACT PERSON:** Amanda Ellis (207) 624-6573  
**AGENCY NAME:** Department of Marine Resources  
**ADDRESS:** 21 State House Station  
 Augusta, Maine 04333  
**WEB SITE:** <http://www.maine.gov/dmr/rulemaking/>  
**E-MAIL:** [dmr.rulemaking@maine.gov](mailto:dmr.rulemaking@maine.gov)  
**TELEPHONE:** (207) 624-6573  
**FAX:** (207) 624-6024  
**TTY:** (207) 633-9500 (Deaf/Hard of Hearing)

*Please approve bottom portion of this form and assign appropriate MFASIS number.*

APPROVED FOR PAYMENT _____					DATE: _____
FUND	AGENCY	S-UNIT	APP	OBJT	AMOUNT
010	13A	1120	10	4946	regulations

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

## DEPARTMENT OF MARINE RESOURCES

### Chapter 26 - Sea Urchin Regulations

26.07 Sea Urchin Harvesting Season ~~2017-2018~~ 2018-2019 pursuant to 12 M.R.S. §6749. Harvesters have the ability to choose 15 of the potential 20 available days in Zone 1 and 38 of the potential 45 available days in Zone 2.

1. Zone 1 [as defined by 12 M.R.S. §6749-N(1)]. Harvesters have the flexibility to choose 15 of the potential 20 days.

- A. Early season for divers, trappers and rakers

The Zone 1 season for divers, trappers and rakers who have certified the early season on forms provided by the Commissioner, is open ~~September 1, 2, 5, 6, 7, 8, 11, 12, 13, 14, 18, 19, 20, 21, 25, 26, 27 and 28, 2017; and, October 4 and 5, 2017. September 1, 4, 5, 6, 7, 10, 11, 13, 14, 17, 18, 20, 21, 24, 25, 27, and 28, 2018; and, October 1, 2 and 3, 2018.~~ September 1, 4, 5, 6, 7, 10, 11, 13, 14, 17, 18, 20, 21, 24, 25, 27, and 28, 2018; and, October 1, 2 and 3, 2018. Divers, trappers, and rakers may fish no more than 15 of these days.

- B. Late season for divers, trappers and rakers

The Zone 1 season for divers, trappers and rakers who have certified the late season on forms provided by the Commissioner, is open ~~December 4, 5, 6, 11, 12, 13, 18, 19, 20, 21, 27 and 28, 2017; and, February 5, 6, 12, 13, 19, 20, 26 and 27, 2018. December 3, 4, 5, 10, 11, 12, 17, 18, 19, 27 and 28, 2018; and, January 28, 29, and 30, 2019; and, February 4, 5, 11, 12, 18 and 19, 2019.~~ December 3, 4, 5, 10, 11, 12, 17, 18, 19, 27 and 28, 2018; and, January 28, 29, and 30, 2019; and, February 4, 5, 11, 12, 18 and 19, 2019. Divers, trappers, and rakers may fish no more than 15 of these days.

- C. Early season for draggers [in accordance with 12 M.R.S. §6749-V]

The Zone 1 season for draggers who have certified the early season on forms provided by the Commissioner, is open ~~December 1, 2, 4, 5, 6, 7, 11, 12, 13, 14, 15, 18, 19, 20, 21, 22, 27, 28, 29 and 30, 2017. December 1, 3, 4, 5, 6, 10, 11, 12, 13, 14, 17, 18, 19, 20, 21, 26, 27, 28, 29 and 31, 2018.~~ December 1, 3, 4, 5, 6, 10, 11, 12, 13, 14, 17, 18, 19, 20, 21, 26, 27, 28, 29 and 31, 2018. Draggers may fish no more than 15 of these days.

- D. Late season for draggers [in accordance with 12 M.R.S. §6749-V]

The Zone 1 season for draggers who have certified the late season on forms provided by the Commissioner, is open Wednesdays, Thursdays and Fridays in February, ~~2018~~ 2019; and, ~~March 1, 2, 5, 6, 7, 8, 12 and 13, 2018~~ March 1, 4, 5, 6, 7, 11, 12 and 13, 2019. Draggers may fish no more than 15 of these days.

- E. Designation of Zone 1 early or late season:

- (1) A person who holds a sea urchin harvesting license for Zone 1 may not harvest sea urchins in Zone 1 unless that person certifies on forms provided by the Commissioner that the person will fish for or take sea urchins during either the early season or the late season.
- (2) Divers, trappers and rakers who have certified the early or late season may, between May 1<sup>st</sup> and August 15<sup>th</sup> change that certification to the other time period as the time period in which that person will fish for or take sea urchins.
- (3) Draggers who have certified the early or late season may, between May 1<sup>st</sup> and November 15<sup>th</sup> change that certification to the other time period as the time period in which that person will fish for or take sea urchins.

2. Zone 2 [as defined by 12 M.R.S. §6749-N(2)]. Harvesters have the flexibility to choose 38 of the potential 45 days.

- A. Early season for divers, trappers and rakers

The Zone 2 season for divers, trappers and rakers who have certified the early season on forms provided by the Commissioner, is open ~~September 12, 13, 14, 19, 20, 21, 26, 27 and 28, 2017; October 2, 3, 4, 10,~~

~~11, 12, 16, 17, 18, 23, 24, 25, 30 and 31, 2017; Mondays, Tuesdays, and Wednesdays in November, 2017; and, December 4, 5, 6, 12, 13, 14, 19, 20 and 21, 2017. September 18, 19, 20, 25, 26 and 27, 2018; and, all Tuesdays, Wednesdays and Thursdays in October, 2018; and, November 1, 6, 7, 8, 13, 14, 15, 19, 20, 21, 27, 28, and 29, 2018; and, December 4, 5, 6, 11, 12, 13, 18, 19, 20, 21, 27 and 28, 2018.~~ Divers, trappers, and rakers may fish no more than 38 of these days.

B. Late season for divers, trappers and rakers

The Zone 2 season for divers, trappers and rakers who have certified the late season on forms provided by the Commissioner, is open ~~Tuesdays, Wednesdays and Thursdays in December, 2017; Tuesdays, Wednesdays and Thursdays in January, 2018; Tuesdays, Wednesdays and Thursdays in February, 2018; and, March 1, 6, 7, 8, 13, 14 and 15, 2018. December 4, 5, 6, 11, 12, 13, 18, 19, 20, 27 and 28, 2018; and, Tuesdays, Wednesdays and Thursdays in January and February 2019, except Tuesday, January 1, 2019 shall be closed; and, March 5, 6, 7, 12, 13, 14, 19 and 20, 2019.~~ Divers, trappers, and rakers may fish no more than 38 of these days.

C. Early season for draggers

The Zone 2 season for draggers who have certified the early season on forms provided by the Commissioner, is open ~~Mondays, Tuesdays, and Wednesdays and Thursdays in October, 2017 2018, except Monday, October 9 shall be closed; and, Mondays, Tuesdays, and Wednesdays and Thursdays in November 2017 2018, except Thursday, November 22 shall be closed; and, December 4, 5, 6, 11, 12, 13, 18, 19, 20, 21, 27 and 28, 2018; and, January 2, 3, 8, 9, 10, 15 and 16, 2019. Wednesdays, Thursdays and Fridays in December, 2017, except December 1 is closed; February 22 and 23, 2018; and, March 1, 7, 8, 14 and 15, 2018.~~ Draggers may fish no more than 38 of these days.

D. Late season for draggers

The Zone 2 season for draggers who have certified the late season on forms provided by the Commissioner, is open ~~December 4, 5, 6, 11, 12, 13, 18, 19, 20, 27 and 28, 2018; and, Wednesdays, Thursdays and Fridays in December, 2017, except December 1 is closed; Tuesdays, Wednesdays and Thursdays in January and February, 2018 2019, except Tuesday, January 1, 2019 shall be closed; and, March 1, 6, 7, 8, 13, 14 and 15, 2018~~ March 5, 6, 7, 12, 13, 14, 19 and 20, 2019. Draggers may fish no more than 38 of these days.

E. Designation of Zone 2 early or late season:

- (1) A person who holds a sea urchin harvesting license for Zone 2 may not harvest sea urchins in Zone 2 unless that person certifies on forms provided by the Commissioner that the person will fish for or take sea urchins during either the early season or the late season.
- (2) A person who has certified the early or late season may, between May 1<sup>st</sup> and August 15<sup>th</sup> change that certification to the other time period as the time period in which that person will fish for or take sea urchins.

26.19 Limited Access Areas:

Transiting exception:

Any vessel possessing urchins onboard, may transit the Limited Access Area, only if the vessel has all fishing gear (dredges, drags, regulators, buoyancy compensators, fins, tanks, weight belts) securely stowed. Securely stowed shall mean the main wire shall not be shackled or connected to the dredges or drags, and the towing swivel will be at the block or on the winch for draggers, while regulators, buoyancy compensators and tanks should be disconnected with fins and weight belts removed for divers.

(1) Whiting and Denny's Bay Area (Zone 2). Harvesters may choose up to 15 days of the following applicable season open days for the Whiting and Denny's Bay limited access area to fish within their 38 days available for harvest.

A. Early season for divers, trappers and rakers

It shall be unlawful to fish for, take, or possess urchins west of a line starting at the western end of Mahar Point, Pembroke, due south to the nearest point of land on Crow Neck, Trescott, to include all of Whiting and Denny's Bay except by divers, trappers, and rakers who have certified the early season on forms provided by the Commissioner, on ~~Tuesdays~~ Thursdays in September, October, November and December ~~2017~~ 2018, except September 5 6, 2018; and, November 22, 2018, ~~and December 26, 2017~~ are closed. which shall be closed.

B. Late season for divers, trappers and rakers

It shall be unlawful to fish for, take, or possess urchins west of a line starting at the western end of Mahar Point, Pembroke, due south to the nearest point of land on Crow Neck, Trescott, to include all of Whiting and Denny's Bay except by divers, trappers and rakers who have certified the late season on forms provided by the Commissioner on ~~Tuesdays~~ Thursdays in December ~~2017~~ 2018, and Thursdays in January, February and March, ~~2018~~ 2019, except ~~Tuesday~~ March 20 21 and 28, 2019. ~~Tuesday March 27, 2018~~, which shall be closed.

C. Early season for draggers

It shall be unlawful to fish for, take, or possess urchins west of a line starting at the western end of Mahar Point, Pembroke, due south to the nearest point of land on Crow Neck, Trescott, to include all of Whiting and Denny's Bay except by draggers who have certified the early season on forms provided by the Commissioner, on Wednesdays in October, November and December, ~~2017~~ 2018; and ~~Wednesdays, March 7 and 14, 2018.~~ in January, 2019, except December 26, 2018 and January 23 and 30, 2019 which shall be closed.

D. Late season for draggers

It shall be unlawful to fish for, take, or possess urchins west of a line starting at the western end of Mahar Point, Pembroke, due south to the nearest point of land on Crow Neck, Trescott, to include all of Whiting and Denny's Bay except by draggers who have certified the late season on forms provided by the Commissioner, on Wednesdays in December, ~~2017~~ 2018; and Wednesdays in January, February and March, ~~2018~~ 2019, except ~~March 24 and 26~~ 20 and 27 are closed.

## 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~~ southwestern tip of Pratt Island, 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.~~ northeast to the prominent point on the eastern shore of Christmas Cove.

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

## 26.50 Urchin ~~Transaction Cards~~ Electronic Reporting

For the purpose of this section, "DMR-issued reporting device" means a transaction card or other Department developed and approved technology provided for the purpose of recording urchin transactions.

1. Eligibility. In order to be eligible for an ~~urchin transaction card~~ DMR-issued device for the electronic reporting of urchin landings, an individual must be licensed according to 12 M.R.S. §6748, 6748-A, 6748-D, or 6302-A subsection 3 paragraph B. Valid ~~transaction cards~~ reporting devices may only be issued by the Department of Marine Resources.
2. Harvester Use. It is unlawful for an individual licensed under 12 M.R.S. §6748, 6748-A, 6748-D, or 6302-A subsection 3 paragraph B to sell or transfer urchins the license holder has taken ~~to a person licensed under 12 M.R.S. §6851 subsection 2-B or subsection 2-C~~, unless the harvester presents a DMR-issued transaction card reporting device to the urchin buyer or processor during and records each transaction. ~~Transaction cards~~ DMR-issued reporting devices may only be used to sell urchins which were harvested by the individual identified on the ~~transaction card reporting device~~. A law enforcement officer may seize or deactivate the ~~transaction card reporting device~~ of an individual who has used their ~~transaction card reporting device~~ to sell urchins they did not harvest. The act of ~~swiping your card~~ utilizing your reporting device on any given day will be considered as one fishing day, between the hours of 12:00 am-11:59pm.
3. Dealer Use. It is unlawful for a person licensed under 12 M.R.S. §6851 subsection 2-B, ~~or subsection 2-C~~, or §6852 to purchase or transfer urchins from an individual licensed under 12 M.R.S. §6748, 6748-A, 6748-D, or 6302-A subsection 3 paragraph B, without recording the transaction using the electronic recording device specified by the Department for that purpose. DMR provided reporting software must be synchronized for updates to the reporting system prior to the purchase of urchins on each fishing day. A person licensed under 12 M.R.S. §6851 subsection 2-B or subsection 2-C may not purchase urchins from a harvester that does not present an ~~urchin transaction card~~ DMR-issued reporting device. In the event of any failure of the reporting software or equipment, the Commissioner may authorize the use of paper reports until such time as the system is operational.
4. Records required. A person licensed in accordance with 12 M.R.S. §6851 subsection 2-B or subsection 2-C shall maintain ~~transaction card~~ documentation to account for all urchins in their possession. Any urchins legally obtained from other jurisdictions must have sufficient documentation to demonstrate their origin. Failure to provide proper documentation will be prima facie evidence that the urchins are illegal and are subject to seizure.
5. The Department will deactivate the ~~transaction card reporting device~~ of any individual who has met or exceeded their sea urchin harvest days. The onus is on the license holder to track days fished; harvesting beyond the number of allocated season days is considered fishing out of season and is prohibited.

Strike this Zone 1 Calendar page:

## 2017-2018 Sea Urchin 15 Day Season for Maine Zone 1\*

\*A Zone 1 harvester may choose to fish 15 of 20 optional days

= Open

= Closed

### Early Season for Divers, Rakers and Trappers

### Late Season for Divers, Rakers and Trappers

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		

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

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

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

### Early Season for Draggers

### Late Season for Draggers

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	O	
17	18	19	20	21	22	23
	O	O	O	O	O	
24	25	26	27	28	29	30
	O		O	O	O	O
31						

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

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

Strike this Zone 2 Calendar page:

## 2017-2018 Sea Urchin Season for Maine Zone 2

\*A Zone 2 harvester may choose to fish 38 of 45 optional days

O = Open       = Closed

### Early Season for Divers, Rakers and Trappers

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

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				

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		

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						

### Late Season for Divers, Rakers and Trappers

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						

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			

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			

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

### EARLY Season for Draggers

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

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				

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		

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						

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			

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			

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

### LATE Season for Draggers

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						

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			

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			

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

**Strike this Zone 2 Whiting & Denny's Bay Limited Access Area Calendar page:  
2017-2018 Sea Urchin 15 DAY Season for Whiting & Denny's Bays  
LIMITED ACCESS AREA (WDB LAA)**

**○ = Open**      **□ = Closed**

**Early Season for Divers, Rakers and Trappers**

September 2017						
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

October 2017						
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 ○				

November 2017						
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		

December 2017						
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						

**Late Season for Divers, Rakers and Trappers**

December 2017						
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						

January 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			

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			

March 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

**Early Season for Draggers**

October 2017						
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				

November 2017						
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		

December 2017						
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						

March 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

**Late Season for Draggers**

December 2017						
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						

January 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 ○			

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 ○			

March 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



Insert this Zone 1 calendar as if underlined (at the end of Ch. 26):

## 2018-2019 Sea Urchin 15 Day Season for Maine Zone 1\*

\*A Zone 1 harvester may choose to fish 15 of 20 optional days

= Open

= Closed

### Early Season for Divers, Rakers and Trappers

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

October 2018						
S	M	Tu	W	Th	F	S
	1 o	2 o	3 o	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			

### Late Season for Divers, Rakers and Trappers

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	25	26	27 o	28 o	29
30	31					

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 o	29 o	30 o	31		

### Early Season for Draggers

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

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

### Late Season for Draggers

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

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

Insert this Zone 2 calendar as if underlined (at the end of Ch. 26):

## 2018-2019 Sea Urchin 38 Day Season for Maine Zone 2\*

\*A Zone 2 harvester may choose to fish 38 of 45 optional days

**O** = Open      **□** = Closed

### Early Season for Divers, Rakers and Trappers

September 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						

October 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			

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	

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					

### Late Season for Divers, Rakers and Trappers

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					

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		

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		

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
31						

### EARLY Season for Draggers

October 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			

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	

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					

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		
31						

### LATE Season for Draggers

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					

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		

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		

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
31						

Insert this Zone 2 Whiting & Denny's Bay Limited Access Area Calendar as if underlined (at the end of Ch. 26):

## 2018-2019 Sea Urchin Season 15 Day Season for Whiting & Denny's Bays Limited Access Area (WDB LAA)

O = Open       = Closed

### Early Season for Divers, Rakers and Trappers

September 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						

October 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			

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	

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					

### Late Season for Divers, Rakers and Trappers

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					

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		

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		

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
31						

### Early Season for Draggers

October 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			

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	

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					

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		

### Late Season for Draggers

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					

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		

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		

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
31						

## **Basis Statement**

This regulation establishes open harvest days for the taking of sea urchins by divers, rakers, trappers, and draggers in Zones 1 and 2 for the 2018-2019 season. For Zone 1, 20-day seasons are established for divers, trappers, rakers and draggers in 2018-2019, from which harvesters may only fish up to 15 days of their choosing, the same number of days allowed during the 2017-2018 season. For Zone 2, 45-day seasons are established for divers, trappers, rakers and draggers in 2018-2019, from which harvesters may only fish up to 38 days of their choosing, the same number of days allowed during the 2017-2018 season. For the Whiting & Dennys Bays Limited Access Area in Zone 2, a 15-day season is established for Zone 2 divers, trappers, rakers and draggers in 2018-2019. This regulation also modifies the spatial closure of Cat Ledges Area and removes the sunset provision. The regulation clarifies the daily reporting requirement and substitutes the term “reporting device” for “transaction card” to allow for the use of more inexpensive technologies should they become available.

Based on comments received during the proposed rulemaking, the Department has made the following modifications:

- Boundary lines for the Cat Ledges targeted closure were modified based on public comment; the updated closure focuses more on the actual Cat Ledges area and frees up the surrounding waters to harvesting.

## Summary of Comments

Notice of this proposed rulemaking appeared on May 16, 2018 in the five major daily newspapers as published by the Secretary of State. On May 16, 2018, the rule was posted on the DMR website, and electronic messages were sent to individuals who subscribe to DMR notices, and urchin license holders. Public hearings were advertised in compliance with the procedures outlined in the Maine Administrative Procedures Act and were held on June 5, 2018 at 6pm in the DMR conference room, Augusta; June 6, 2018 at 6pm at the University of Maine, Machias; and June 7, 2018 at 6pm in Ellsworth City Hall (Council Chambers). The comment period closed on June 18, 2018.

### Attendees at June 5, 2018 hearing (Augusta, Maine)

Name	Affiliation
Joe Leask	Zone II Diver
Clint Richardson	Zone I Diver
Brian Preney	Zone I Diver
Melissa Smith, Maggie Hunter, and Amanda Ellis	DMR Staff

### Attendees at June 6, 2018 hearing (Machias, Maine)

Name	Affiliation (If specified)
David Cline	Dragger
Barry Huckins	Dragger
James Ackley	Dragger
Lanny Wood	Dragger
Melissa Smith, and Amanda Ellis	DMR Staff

### Attendees at June 7, 2018 hearing (Ellsworth, Maine)

Name	Affiliation
Joe Leask	Zone II Diver
Meredith Mendelson, Mike Kersula, Melissa Smith, and Amanda Ellis	DMR Staff

#### **A. Public Hearing Comments:**

*No one offered comment at the hearing held in Ellsworth.*

#### **Opposed (1):**

#### **Brian Preney, Vice-Chair, Sea Urchin Zone Council, Zone 1, Diver**

##### *Augusta Hearing*

I am in favor of the proposed regulation regarding the 18/19 sea urchin season. I'll testify that the council voted unanimously on the calendars as presented, as being the best alternative that was available under the parameters. The parameters being that the commissioner was not going to allow us to expand our available days without lowering our overall catch for the season, which was very unacceptable to a lot of the members on the council. Given that, the season as I said is the best we had available and I am in favor of the season as proposed for all zones, divers and draggers and so forth. I would like to see some modifications to the Cat Ledges portion of this regulation. This was brought up at the last meeting and also voted on unanimously that we'd allow the sunset to be removed and we described Cat Ledges proper as the area that would be allowed to be used for collaborative

research in the future. As written, this proposal describes a much larger area than what I would consider Cat Ledges proper. I would like to propose an alternative to that. There is an island just to the north of the Cat Ledges called Pratts Island. I would propose that the first way point we would use would be the southern tip of Pratts Island then go directly out to 4CL gong, the red buoy out there and then come back into the southern tip of the western shore of Christmas Cove. While this still does encompass some of the Southport shore, which we're trying to free up it's probably the most enforceable boundary that can be seen. The area, which has been used for research so far falls within that boundary. In other words, we'd get rid of the provision that goes from Hendricks Head to the R4CL gong to Mark Island and then up to an unknown way point. I would be perfectly fine with that area, with that description. As far as the transaction card part of this, I have no problem with that. I believe there will be technological changes that we'll put in for easier reporting. It's inevitable.

#### **In-favor (4):**

##### **Clint Richardson, Zone 1, Diver**

###### *Augusta Hearing*

To echo what Brian said, I think everybody was in favor that was on the council. I think everything was good. I also think that if Brian has a better or enforceable way to do the new boundaries, or change it that's fine with me. It still does everything we need to do. That's it.

##### **Joe Leask, Zone 2, Diver**

###### *Augusta Hearing*

I am former chair of the urchin council and currently a member of the urchin council and I support the measure as written. I also support Brian's proposal for more enforceable area of Cat Ledges.

##### **James Ackley, Dragger**

###### *Machias Hearing*

I agree with the season they've set for 2018 and 2019 for sea urchins. It seemed to work well last year and everyone seemed to be happy with it. I haven't heard anyone say they didn't like it, so I am in favor of it.

##### **Lanny Wood, Dragger**

###### *Machias Hearing*

The schedule looks fine with me. I am quite happy with it for this upcoming season. I am grateful that we are finally allowed make-up days, because it is better than risking your life to get out there. It benefits everyone. You guys are doing good.

#### **Written Comments (1)**

Comment period closed on June 18, 2018.

#### **Neutral (1)**

##### **Richard Look, submitted via email, June 12, 2018**

I've been diving Cobscook Bay for urchins and scallops since 1994. We need more days in September if possible. The draggers are openly hostile and aggressively bullying toward divers. They do anything they can to push us out of the bay, and put us in danger. If they drag the limited access area a day before we dive there, the visibility will be horrible, and it will be hazardous.

#### **Department response to comments:**

##### **Additional days for Zone 1:**

In 2004, the Zone 1 sea urchin season was reduced to 10 days in order to conserve the sea urchin resource. At the March 29, 2012 Sea Urchin Zone Council meeting, Council recommended an increase from 10 to 15 days.

The rationale for the increase was both economic and biological: a decrease in harvest days in Zone 2 could be smoothed over with a potential increase in harvest days in Zone 1 so as to not impact processing and global market presence; additionally, assessment results had shown a slight increase in sea urchin biomass. At that time, the Commissioner agreed to increase the Zone 1 season from 10 to 15 days with the understanding that given winter weather conditions, providing a 15 day season might allow a fisherman to actually achieve 10 days. The 15 day season has been maintained since the 2012-2013 season. With the onset of harvesters picking their fishing days with the use of swipe card transactions, bad weather days may be avoided while still utilizing an alternate fishing day, so it is now possible to actually achieve 15 fishing days.. Landings have been declining in Zone 1 for the past 4 seasons. Currently, the sea urchin resource survey does not indicate positive recruitment. Thus, the Department cannot allow an increase in fishing effort within Zone 1 that may jeopardize the stability of the resource. The Department offered a compromise of additional fishing days with a lower tote limit, but the Council preferred the alternative of fewer fishing days with a higher tote limit.

### **Proposed changes to Cat Ledges:**

In consultation with Marine Patrol, the alternative boundary lines suggested to focus the targeted closure on Cat Ledges are enforceable. The regulation has been modified to reflect this reduced closure zone.

### **Additional days in September for divers:**

Pursuant to 12 M.R.S. §6749-V urchin dragging is prohibited from May 1<sup>st</sup> to September 30<sup>th</sup> within the coastal waters. This prohibition prevents overlap in September harvest days between urchin divers and urchin draggers in the limited access area. The Sea Urchin Zone Council recommended the selected days in September for divers in the limited access area and voted unanimously in favor of the calendars as proposed.

## **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 26 Sea Urchin Regulations; 2018-19 Season

STATUTORY AUTHORITY: 12 M.R.S. § 6171 and § 6749

DATE AND PLACE OF PUBLIC HEARING(S): **June 5, 2018, 6:00 PM** DMR Conference Room 118, Marquardt Building, 32 Blossom Lane, Augusta, ME; **June 6, 2018, 6:00 PM** University of Maine Machias, Science Building (Rm 102), 116 O'Brien Avenue Machias, ME; **June 7, 2018, 6:00 PM**, Ellsworth City Hall (Council Chambers), One City Hall Plaza, Ellsworth, ME

COMMENT DEADLINE: June 18, 2017

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

This regulation would establish open harvest days for the taking of sea urchins by divers, rakers, trappers, and draggers in Zones 1 and 2 for the 2018-2019 season.

For Zone 1, 20-day seasons are proposed for divers, trappers, rakers and draggers in 2018-2019, from which harvesters may only fish up to 15 days of their choosing, the same number of days allowed during the 2017-18 season. The Sea Urchin Zone Council recommended the selection of these particular days. Divers, rakers and trappers may fish 15 days beginning in September into October ("early season"), or 15 days in December, January and February ("late season"); and, draggers may fish 15 days in December ("early season"), or February and March ("late season").

For Zone 2, 45-day seasons are proposed for divers, trappers, rakers and draggers in 2018-2019, from which harvesters may only fish up to 38 days of their choosing, the same number of days allowed during the 2017-18 season. The Sea Urchin Zone Council recommended the selection of these particular days for divers, rakers and trappers who may fish 38 days in September through December (“early season”), or 38 days in December through March (“late season”); and, draggers may fish 38 days in October through January (“early season”), or December through March (“late season”).

For the Whiting & Dennys Bays Limited Access Area in Zone 2, a 15-day season is proposed for Zone 2 divers, trappers, rakers and draggers in 2018-2019, which is the same as the 2017-18 season. Zone 2 divers, rakers and trappers may fish 15 days in September, October, November and December (“early season”), or 15 days in December, January, February and March (“late season”); Zone 2 draggers would have 15 days in October, November, December, and January (“early season”), or 15 days in December, January, February and March (“late season”). The particular days mirror days which the Sea Urchin Zone Council recommended for the Zone 2 season calendars.

This regulation also modifies the spatial closure around Cat Ledges, west of Southport Island. Recommendation from the Sea Urchin Zone Council was received to extend the closure time of this area for continued collaborative research potential. The proposed regulation clarifies the daily reporting requirement and substitutes the term “reporting device” for “transaction card” to allow for the use of more inexpensive technologies should they become available.

IS MATERIAL INCORPORATED BY REFERENCE IN THE RULE? \_\_\_ YES \_\_\_ X \_\_\_ NO [§8056(1)(B)]

ANALYSIS AND EXPECTED OPERATION OF THE RULE: [see §8057-A(1)(B)&(D)]

This proposed rule seeks to conserve the sea urchin resource for utilization in the future; if it is successful in doing so it will have a positive impact on small business (sea urchin harvesters and sea urchin processors) in the long term. The Department worked with the Sea Urchin Zone Council to develop this combination of proposed rule changes

BRIEF SUMMARY OF RELEVANT INFORMATION CONSIDERED DURING DEVELOPMENT OF THE RULE

The Department considered feedback provided by the Sea Urchin Zone Council, Department staff and Maine Marine Patrol.

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

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

***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*