

NOTICE OF AGENCY RULE-MAKING ADOPTION

AGENCY: Department of Marine Resources

CHAPTER NUMBER AND TITLE: Chapter 26; Chapter 26 Sea Urchin Regulations and 2016-2017 Harvesting Season

CONCISE SUMMARY:

This regulation would establish season limits for the taking of sea urchins by divers, rakers, trappers, and draggers in Zones 1 and 2 during the 2016-2017 season.

For Zone 1, a 15-day season is established for divers, trappers, rakers and draggers in 2016-2017, which is the same number of days as in the 2015-2016 season. The Sea Urchin Zone Council recommended the selection of these particular days. Divers, rakers and trappers may fish 15 days in September (“early season”), or 15 days in December (“late season”); and draggers in December (“early season”), or February and March (“late season”).

For Zone 2, a 38-day season is established for divers, trappers, rakers and draggers in 2016-2017, which is the same number of days as in the 2015-2016 season. The Sea Urchin Zone Council recommended the selection of these particular days. Divers, rakers and trappers may fish 38 days in September through December (“early season”), or 38 days in December through March (“late season”); and draggers would have 38 days in October through March (“early season”) or November through March (“late season”).

For the Whiting & Dennys Bays Limited Access Area in Zone 2, a 9-day season is established for Zone 2 divers, trappers, rakers and draggers in 2016-2017, which is the same number of days as the season in 2015-2016. Zone 2 divers, rakers and trappers may fish 9 days in November and December (“early season”), or 9 days in January, February and March (“late season”); both early and late season Zone 2 draggers would have 9 days in December, February and March. The Sea Urchin Zone Council recommended the selection of these particular days.

This regulation would also change the date by which a Zone 2 harvester must designate the early or late season, from September 15 to August 15, if the harvester wishes to change his/her designation.

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DEPARTMENT OF MARINE RESOURCES

Chapter 26 - Sea Urchin Regulations

26.07 Sea Urchin Harvesting Season ~~2015-2016~~ 2016-2017 pursuant to 12 M.R.S. §6749

1. Zone 1 [as defined by 12 M.R.S. §6749-N(1)]

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, 3, 8, 9, 10, 14, 15, 17, 18, 22, 23, 24, 28, and 29, 2015~~ 1, 2, 3, 7, 8, 9, 12, 13, 14, 19, 20, 21, 26, 27, and 28, 2016.

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 ~~2, 3, 4, 7, 8, 10, 11, 14, 15, 17, 18, 21, 22, 29, and 30, 2015~~ December 1, 2, 5, 6, 8, 9, 12, 13, 15, 16, 19, 20, 22, 27, and 28, 2016.

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 14, 15, 16, 21, 22, 23, 28, 29, 30, 2015, and January 4, 5, 6, 11, 12, and 13, 2016~~ 1, 2, 5, 6, 8, 9, 12, 13, 15, 16, 19, 20, 22, 27, and 28, 2016.

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 ~~February 8, 9, 15, 16, 22, 23, and 29, and March 1, 3, 7, 8, 10, 14, 15, and 17, 2016~~ Thursdays, Fridays, and Saturdays in February 2017, except February 25 is closed, and open March 2, 3, 9, and 10, 2017.

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 1st and August 15th 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 1st and November 15th 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)]

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 ~~Mondays, Tuesdays, and Wednesdays in October, 2015, plus October 1 and 2, and Mondays and Tuesdays in November and December 2015, except November 30 is closed, plus November 4 and 18 and December~~

2, 3, 16, 17, and 23 are open September 15, 16, 22, 23, and 29, Mondays, Tuesdays, and Wednesdays in October, Mondays and Tuesdays in November plus November 2 and 30, and December 6, 7, 8, 13, 14, 20, 21, 22, and 23, 2016.

B. Early season for draggers

The Zone 2 season for draggers who have certified the early season on forms provided by the Commissioner, is open ~~Wednesdays and Thursdays in October, November, and December 2015, except November 26 and December 24 are closed, plus October 2 and 6, November 27, 2015, and February 16, 17, 18, and 25, and March 2, 3, 9, 10, 16, and 17, 2016 are open~~ Mondays and Tuesdays in October and November 2016 plus October 1, 12, and 19 and November 2, Thursdays and Fridays in December 2016, February 15, 16, 22, and 23, 2017, and March 1 and 2, 2017.

C. 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 ~~December 7, 8, 9, 14, 15, 16, 17, 21, 22, 23, 28, and 29, 2015, Mondays, Tuesdays, and Wednesdays in January 2016 except January 13 is closed, plus February 1, 2, 8, 9, 22, 23, and 29, and March 1, 2, 7, 8, 9, 14, 15, and 16, 2016 are open~~ 12, 13, 14, 19, 20, 21, 26, 27, and 28, 2016, and Mondays and Tuesdays in January and February 2017, plus January 4 and 11 and February 1 and 22, and March 1, 6, 7, 8, 13, 14, and 15, 2017.

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 7, 8, 9, 14, 15, 16, 17, 21, 22, 23, 28, and 29, 2015, Mondays, Tuesdays, and Wednesdays in January 2016 except January 13 is closed, plus February 1, 2, 8, 9, 22, 23, and 29, and March 1, 2, 7, 8, 9, 14, 15, 16, 2016 are open~~ November 21, 22, 28, and 29, and December 7, 8, 9, 14, 15, 16, 21, 22, 23, 28, 29, and 30, 2016, and Thursdays and Fridays in January 2017 plus January 4 and 11, Wednesdays and Thursdays in February 2017, and March 2, 3, 9, and 10, 2017.

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 1st and ~~September 15th~~ August 15th 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:

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 Mondays Tuesdays in November and December, ~~2015 2016~~, except ~~November 30, 2015 is closed and December 15, 2015~~ November 28, 2016 is open and December 27, 2016 is closed.

B. 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 ~~December 2, 3, 9, 10, 16, and 17, 2015, and March 2, 9, and 16, 2016~~ December 1, 8, 15, 22 and 29, 2016, February 16 and 23, 2017 and March 1 and 2, 2017.

C. 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 ~~early late~~ season on forms provided by the Commissioner on ~~December 7, 14, 15, 21, 22, and 28, 2015 and March 1, 8, and 15, 2016~~ Mondays in January and February, 2017.

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 ~~December 8, 9, 16, 17, 23, and 29, 2015, and March 2, 9, and 16, 2016~~ December 8, 15, 22 and 29, 2016, February 9, 16 and 23, 2017 and March 2 and 3, 2017.

Strike this Zone 1 Calendar page:

2015 - 2016 Sea Urchin Season for Maine Zone 1

= Open

= Closed

Early Season for Divers, Rakers and Trappers

September 2015						
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 O	15 O	16	17 O	18 O	19
20	21	22 O	23 O	24 O	25	26
27	28 O	29 O	30			

Late Season for Divers, Rakers and Trappers

December 2015						
S	M	Tu	W	Th	F	S
		1	2 O	3 O	4 O	5
6	7 O	8 O	9	10 O	11 O	12
13	14 O	15 O	16	17 O	18 O	19
20	21	22 O	23	24	25	26
27	28	29 O	30 O	31		

Early Season for Draggers

December 2015						
S	M	Tu	W	Th	F	S
		1	2	3	4	5
6	7	8	9	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		

January 2016						
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	19	20	21	22	23
24	25	26	27	28	29	30
31						

Late Season for Draggers

February 2016						
S	M	Tu	W	Th	F	S
	1	2	3	4	5	6
7	8 O	9 O	10	11	12	13
14	15 O	16 O	17	18	19	20
21	22 O	23 O	24	25	26	27
28	29 O					

March 2016						
S	M	Tu	W	Th	F	S
		1 O	2	3 O	4	5
6	7 O	8 O	9	10 O	11	12
13	14 O	15 O	16	17 O	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

Strike this Zone 2 Calendar page:

2015 - 2016 Sea Urchin Season for Maine Zone 2

= Open = Closed

Early Season for Divers, Rakers and Trappers

October 2015							November 2015							December 2015						
S	M	Tu	W	Th	F	S	S	M	Tu	W	Th	F	S	S	M	Tu	W	Th	F	S
				1	2	3	1	2	3	4	5	6	7			1	2	3	4	5
				O	O		O	O	O	O						O	O			
4	5	6	7	8	9	10	8	9	10	11	12	13	14	6	7	8	9	10	11	12
	O	O	O				O	O	O	O				O	O	O	O			
11	12	13	14	15	16	17	15	16	17	18	19	20	21	13	14	15	16	17	18	19
	O	O	O				O	O	O	O				O	O	O	O	O		
18	19	20	21	22	23	24	22	23	24	25	26	27	28	20	21	22	23	24	25	26
	O	O	O				O	O	O					O	O	O	O			
25	26	27	28	29	30	31	29	30						27	28	29	30	31		
	O	O	O				O							O	O					

Late Season for Divers, Rakers and Trappers

December 2015							January 2016							February 2016							March 2016						
S	M	Tu	W	Th	F	S	S	M	Tu	W	Th	F	S	S	M	Tu	W	Th	F	S	S	M	Tu	W	Th	F	S
		1	2	3	4	5						1	2		1	2	3	4	5	6			1	2	3	4	5
		O	O	O								O	O		O	O							O	O			
6	7	8	9	10	11	12	3	4	5	6	7	8	9	7	8	9	10	11	12	13	6	7	8	9	10	11	12
	O	O	O				O	O	O	O				O	O	O	O				O	O	O	O			
13	14	15	16	17	18	19	10	11	12	13	14	15	16	14	15	16	17	18	19	20	13	14	15	16	17	18	19
	O	O	O	O			O	O	O	O			O	O	O	O				O	O	O	O				
20	21	22	23	24	25	26	17	18	19	20	21	22	23	21	22	23	24	25	26	27	20	21	22	23	24	25	26
	O	O	O				O	O	O	O			O	O	O					O	O	O	O				
27	28	29	30	31			24	25	26	27	28	29	30	28	29						27	28	29	30	31		
	O	O	O				O	O	O	O			O							O	O						
							31																				

Early Season for Draggers

October 2015							November 2015							December 2015							February 2016							March 2016						
S	M	Tu	W	Th	F	S	S	M	Tu	W	Th	F	S	S	M	Tu	W	Th	F	S	S	M	Tu	W	Th	F	S	S	M	Tu	W	Th	F	S
				1	2	3	1	2	3	4	5	6	7			1	2	3	4	5			1	2	3	4	5			1	2	3	4	5
				O	O							O	O			O	O						O	O						O	O			
4	5	6	7	8	9	10	8	9	10	11	12	13	14	6	7	8	9	10	11	12	7	8	9	10	11	12	13	6	7	8	9	10	11	12
	O	O	O	O			O	O	O	O			O	O	O	O			O	O	O	O	O			O	O	O	O	O				
11	12	13	14	15	16	17	15	16	17	18	19	20	21	13	14	15	16	17	18	19	14	15	16	17	18	19	20	13	14	15	16	17	18	19
	O	O	O	O			O	O	O	O			O	O	O	O			O	O	O	O	O			O	O	O	O	O				
18	19	20	21	22	23	24	22	23	24	25	26	27	28	20	21	22	23	24	25	26	21	22	23	24	25	26	27	20	21	22	23	24	25	26
	O	O	O				O	O	O	O			O	O	O	O			O	O	O	O	O			O	O	O	O	O				
25	26	27	28	29	30	31	29	30					27	28	29	30	31			28	29						27	28	29	30	31			
	O	O	O				O						O	O	O	O			O							O	O							

Late Season for Draggers

December 2015							January 2016							February 2016							March 2016						
S	M	Tu	W	Th	F	S	S	M	Tu	W	Th	F	S	S	M	Tu	W	Th	F	S	S	M	Tu	W	Th	F	S
		1	2	3	4	5						1	2		1	2	3	4	5	6			1	2	3	4	5
		O	O	O								O	O		O	O							O	O			
6	7	8	9	10	11	12	3	4	5	6	7	8	9	7	8	9	10	11	12	13	6	7	8	9	10	11	12
	O	O	O				O	O	O	O			O	O	O	O			O	O	O	O					
13	14	15	16	17	18	19	10	11	12	13	14	15	16	14	15	16	17	18	19	20	13	14	15	16	17	18	19
	O	O	O	O			O	O	O	O			O	O	O	O			O	O	O	O					
20	21	22	23	24	25	26	17	18	19	20	21	22	23	21	22	23	24	25	26	27	20	21	22	23	24	25	26
	O	O	O				O	O	O	O			O	O	O				O	O	O	O					
27	28	29	30	31			24	25	26	27	28	29	30	28	29						27	28	29	30	31		
	O	O	O				O	O	O	O			O							O	O						
							31																				

**Strike this Zone 2 Whiting & Denny's Bay Limited Access Area Calendar page:
Proposed 2015 - 2016 Sea Urchin Season for Maine Zone 2
Whiting and Denny's Bay Limited Access Area**

○ = Open □ = Closed

Early Season for Divers, Rakers and Trappers

October 2015							November 2015							December 2015						
S	M	Tu	W	Th	F	S	S	M	Tu	W	Th	F	S	S	M	Tu	W	Th	F	S
				1	2	3	1	2	3	4	5	6	7			1	2	3	4	5
4	5	6	7	8	9	10	8	9	10	11	12	13	14	6	7	8	9	10	11	12
11	12	13	14	15	16	17	15	16	17	18	19	20	21	13	14	15	16	17	18	19
18	19	20	21	22	23	24	22	23	24	25	26	27	28	20	21	22	23	24	25	26
25	26	27	28	29	30	31	29	30						27	28	29	30	31		

Late Season for Divers, Rakers and Trappers

December 2015							January 2016							February 2016							March 2016						
S	M	Tu	W	Th	F	S	S	M	Tu	W	Th	F	S	S	M	Tu	W	Th	F	S	S	M	Tu	W	Th	F	S
		1	2	3	4	5						1	2		1	2	3	4	5	6			1	2	3	4	5
6	7	8	9	10	11	12	3	4	5	6	7	8	9	7	8	9	10	11	12	13	6	7	8	9	10	11	12
13	14	15	16	17	18	19	10	11	12	13	14	15	16	14	15	16	17	18	19	20	13	14	15	16	17	18	19
20	21	22	23	24	25	26	17	18	19	20	21	22	23	21	22	23	24	25	26	27	20	21	22	23	24	25	26
27	28	29	30	31			24	25	26	27	28	29	30	28	29						27	28	29	30	31		
							31																				

Early Season for Draggers

October 2015							November 2015							December 2015							February 2016							March 2016							
S	M	Tu	W	Th	F	S	S	M	Tu	W	Th	F	S	S	M	Tu	W	Th	F	S	S	M	Tu	W	Th	F	S	S	M	Tu	W	Th	F	S	
				1	2	3	1	2	3	4	5	6	7			1	2	3	4	5			1	2	3	4	5	6			1	2	3	4	5
4	5	6	7	8	9	10	8	9	10	11	12	13	14	6	7	8	9	10	11	12	7	8	9	10	11	12	13	6	7	8	9	10	11	12	
11	12	13	14	15	16	17	15	16	17	18	19	20	21	13	14	15	16	17	18	19	14	15	16	17	18	19	20	13	14	15	16	17	18	19	
18	19	20	21	22	23	24	22	23	24	25	26	27	28	20	21	22	23	24	25	26	21	22	23	24	25	26	27	20	21	22	23	24	25	26	
25	26	27	28	29	30	31	29	30						27	28	29	30	31			28	29						27	28	29	30	31			

Late Season for Draggers

December 2015							January 2016							February 2016							March 2016						
S	M	Tu	W	Th	F	S	S	M	Tu	W	Th	F	S	S	M	Tu	W	Th	F	S	S	M	Tu	W	Th	F	S
		1	2	3	4	5						1	2		1	2	3	4	5	6			1	2	3	4	5
6	7	8	9	10	11	12	3	4	5	6	7	8	9	7	8	9	10	11	12	13	6	7	8	9	10	11	12
13	14	15	16	17	18	19	10	11	12	13	14	15	16	14	15	16	17	18	19	20	13	14	15	16	17	18	19
20	21	22	23	24	25	26	17	18	19	20	21	22	23	21	22	23	24	25	26	27	20	21	22	23	24	25	26
27	28	29	30	31			24	25	26	27	28	29	30	28	29						27	28	29	30	31		
							31																				

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

2016-2017 Sea Urchin Season for Maine Zone 1

O = Open

 = Closed

Early Season for Divers, Rakers and Trappers

September 2016						
S	M	Tu	W	Th	F	S
				1 O	2 O	3 O
4	5	6	7 O	8 O	9 O	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	

Late Season for Divers, Rakers and Trappers

December 2016						
S	M	Tu	W	Th	F	S
				1 O	2 O	3
4	5 O	6 O	7	8 O	9 O	10
11	12 O	13 O	14	15 O	16 O	17
18	19 O	20 O	21	22 O	23	24
25	26	27 O	28 O	29	30	31

Early Season for Draggers

December 2016						
S	M	Tu	W	Th	F	S
				1 O	2 O	3
4	5 O	6 O	7	8 O	9 O	10
11	12 O	13 O	14	15 O	16 O	17
18	19 O	20 O	21	22 O	23	24
25	26	27 O	28 O	29	30	31

Late Season for Draggers

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

March 2017						
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	31	

Insert this Zone 2 calendar as if underlined (at the end of Ch. 2016-2017 Sea Urchin Season for Maine Zone 2

O = Open **□** = Closed

Early Season for Divers, Rakers and Trappers

September 2016							October 2016							November 2016							December 2016						
S	M	Tu	W	Th	F	S	S	M	Tu	W	Th	F	S	S	M	Tu	W	Th	F	S	S	M	Tu	W	Th	F	S
4	5	6	7	8	9	10	2	3	4	5	6	7	8	6	7	8	9	10	11	12	4	5	6	7	8	9	10
11	12	13	14	15	16	17	9	10	11	12	13	14	15	13	14	15	16	17	18	19	11	12	13	14	15	16	17
18	19	20	21	22	23	24	16	17	18	19	20	21	22	20	21	22	23	24	25	26	18	19	20	21	22	23	24
25	26	27	28	29	30		23	24	25	26	27	28	29	27	28	29	30				25	26	27	28	29	30	31
							30	31																			

Late Season for Divers, Rakers and Trappers

December 2016							January 2017							February 2017							March 2017						
S	M	Tu	W	Th	F	S	S	M	Tu	W	Th	F	S	S	M	Tu	W	Th	F	S	S	M	Tu	W	Th	F	S
4	5	6	7	8	9	10	1	2	3	4	5	6	7	5	6	7	8	9	10	11	5	6	7	8	9	10	11
11	12	13	14	15	16	17	8	9	10	11	12	13	14	12	13	14	15	16	17	18	12	13	14	15	16	17	18
18	19	20	21	22	23	24	15	16	17	18	19	20	21	19	20	21	22	23	24	25	19	20	21	22	23	24	25
25	26	27	28	29	30	31	22	23	24	25	26	27	28	26	27	28	29	30	31		26	27	28	29	30	31	
							29	30	31																		

Early Season for Draggers

October 2016							November 2016							December 2016						
S	M	Tu	W	Th	F	S	S	M	Tu	W	Th	F	S	S	M	Tu	W	Th	F	S
2	3	4	5	6	7	8	6	7	8	9	10	11	12	4	5	6	7	8	9	10
9	10	11	12	13	14	15	13	14	15	16	17	18	19	11	12	13	14	15	16	17
16	17	18	19	20	21	22	20	21	22	23	24	25	26	18	19	20	21	22	23	24
23	24	25	26	27	28	29	27	28	29	30				25	26	27	28	29	30	31
30	31																			

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

Late Season for Draggers

November 2016							December 2016						
S	M	Tu	W	Th	F	S	S	M	Tu	W	Th	F	S
6	7	8	9	10	11	12	4	5	6	7	8	9	10
13	14	15	16	17	18	19	11	12	13	14	15	16	17
20	21	22	23	24	25	26	18	19	20	21	22	23	24
27	28	29	30				25	26	27	28	29	30	31

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

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

2016-2017 Sea Urchin Season for Maine Zone 2 for Whiting & Dennys Bays

O = Open = Closed

Early Season for Divers, Rakers and Trappers

September 2016						
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 2016						
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 2016						
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 2016						
S	M	Tu	W	Th	F	S
						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 2016						
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 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				

February 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			

March 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

Early Season for Draggers

December 2016						
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 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			

March 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 Draggers

December 2016						
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 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			

March 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

This regulation will establish season limits for the taking of sea urchins by divers, rakers, trappers, and draggers in Zones 1 and 2 during the 2016-2017 season. This regulation will also change the date by which a Zone 2 harvester must designate the early or late season, from September 15 to August 15, if the harvester wishes to change his/her designation. These updates in the management approach were developed over the course of three meetings with industry members and fishermen to determine the methods that would both satisfy the resource management needs and industry needs in terms of industry participation in the fishery. Based on comments received, the Zone 2 late season diver, trapper and raker calendar for Whiting/Denny's Bay was corrected to have 9 fishing days instead of 10.

Summary of Comments

Summary of Written Comments Submitted

Brian Preney, Urchin Harvester in Zone 1 (Submitted Written Comment at the 5/24/2016 Public Hearing)

Mr. Preney stated that he is neither for nor against the proposed season regulation. He stated that at the January 7, 2016 Urchin Council meeting, there was discussion about actions needed to maintain the industry in Zone 1. Those in attendance at the January 7th meeting recognized that the urchin fishery is on the decline somewhat, and one idea suggested at the meeting was to reduce tray limits in Zone 1. Tray limits have been under discussion since 1996, and a six tray limit was proposed at the time that the management plan was presented and harvesters recognized that the decline in the urchin population needed to be addressed. The plan was accepted by industry, but the regulators decided to go a different direction in order to maintain the volume of incoming product. Mr. Preney argued that this regulatory decision was made on the basis of feedback that DMR received from buyers and processors, even though harvesters urged limiting the harvest in order to maintain the fishery into the future. Mr. Preney went on to state that tray limits would re-focus the fishery on quality of the product, rather than quantity. Improving the quality of the urchins being fished would also address complaints from processors who have complained about the low quality of the incoming harvest, which has been largely in the 7% range. While the overall quality of the remaining urchins in Zone 1 is lower than in the past, some harvesters may continue to argue that DMR should maintain 12 trays. However, Preney again points out that quality would keep prices higher, and quality would increase if the tray limit is reduced. Mr. Preney also added that he believes that a 15+ day season would be ideal for the harvesters, as it provides the flexibility needed to deal with bad weather days. On the other hand, in the case that the season primarily consists of good weather days, additional conservation measures are needed in order to prevent fishing efforts that are not sustainable. Mr. Preney urged DMR to take a serious look at the conservation tools available and consider reducing tray limits in Zone 1 to 8 trays, increasing Zone 2 limits to 8 trays in order to achieve parity, or eliminate the September season in Zone 1 which often provides too many good weather days, resulting in fishing effort pressures that are unsustainable.

DMR Response:

The Department agrees with Mr. Preney regarding the potential value of a reduced tote limit in Zone 1. Department staff provided the council with a number of different options relating to tote limits and days for Zone 1 at the February 24, 2016 meeting. After the options were reviewed and discussed, meeting participants decided to not recommend any reduction of tote limits due to the overall decrease in the total number of totes a harvester would be able to obtain over the course of the season. At this same meeting the elimination of the Zone 1 September season was discussed at great length; however, meeting participants, who included a number of processors, opted to retain the Zone 1 September season. At the following March 22, 2016 final season setting meeting of the SUZC, there was some discussion surrounding the tote limits in Zone 1; however, meeting participants chose to stick with the status quo when submitting their recommendations for rulemaking which were voted on and approved by the council. However, we encourage Mr. Preney to continue to participate in the SUZC process and discussions will continue in the coming year on ways to increase the stock status of the fishery as well as consideration of a new management framework for the fishery.

Tony Wood, Urchin Harvester in Zone 2 (Submitted Written Comment via email on 06/06/2016)

I think we need more days in Oct, and Nov not in Feb , and March . two days a week is not enough

DMR Response:

The proposed season was negotiated by the Sea Urchin Zone Council at their annual public season setting meeting on [March 22, 2016 in Brewer, ME](#). This can be a lengthy meeting as both divers and draggers from both Zone 1 and 2 negotiate a set of calendars that complement each other, ensuring that there is enough product being harvested by both gear types and zones to keep the processors going each week. With the recent cuts in days and implementation of tote limits, the season has been stretched out across several months to ensure the processors' needs are met. This year, four days were moved from March to November in the Zone 2 Late Dragger Season, while only six days total were allotted for February and March in the Zone 2 Early Dragger Season in an effort to address some of the concerns shared by the commenter.

Summary of Oral Comments made during the 5/25/2016 public hearing

Attendees

<i>Name</i>	<i>Address/Fishery/Occupation</i>
Shawn Perry	Urchin Diver
John Snider	Urchin Diver
Rodney Dame	Urchin Diver
Joe Leask	Urchin Diver, Urchin Council Chair

Rodney Dame, Fisherman out of Jonesport

Mr. Dame noted that he found the structure of the season setting meetings confusing. It was his understanding that the initial meetings with industry members were to develop the final rule, but apparently, the public process could result in additional changes, even though the public hearing is not necessarily as well attended as the initial industry meetings. He suggested that the meetings be consolidated so that the industry members could simply attend one meeting at which all voices are heard. He is in support of the proposed rule, but objects overall to the process which may provide opportunity for changes to the rule without full industry support.

DMR Response:

Trisha Cheney noted that the initial season setting meetings with industry are held in order to determine the details of the proposed rule. The Public Hearings are an opportunity for people to comment in support or opposition to the rule, and the DMR must consider those comments and determine whether changes are needed. Ms. Cheney noted that DMR also takes written comments. She further noted that DMR had not received any written comments as of the public hearing on May 25, 2016. In the past when comments in opposition have come in following the initial meetings with industry, DMR has considered these comments in order to determine the fairest way forward in light of all the input received.

Shawn Perry, Urchin and Scallop Diver

Mr. Perry spoke to support the schedule for the Zone 2 late divers. He also added that he would like to understand better the relationship between the scallop diver schedule and the urchin diver schedule.

DMR Response:

Scallop divers will likely go Wednesday through Saturday again and will not change their days - meaning that urchin and scallop diving days will have limited overlap.

John Snider, Harrington Maine, Urchin Diver

Mr. Snider expressed his support for the Zone 2 late divers' schedule. He also added that the scallop diver schedule should be coordinated with the urchin diver schedule to avoid overlapping. Maintaining a separation between fishing days, fishermen will be able to take advantage of opportunities in both fisheries. He noted that draggers are allowed to switch back and forth between days, indicating that divers are placed at a disadvantage.

DMR Response:

The scallop and urchin diver days are separated to the greatest extent possible.

Joe Leask, Urchin Council Chair

Mr. Leask supports the rule as it is written. He also supports Mr. Preney's written comment submitted on 5/24/2016 supporting a reduction in trays to 8 trays in Zone 1. He also expressed support for industry/DMR partnerships to assess the impacts of dragging on the bottom and to support further exploring conservation measures such as rotational closures and bottom planting of urchins in order to support the restoration of formerly productive areas.

DMR Response:

As previously noted, the Department agrees with both Mr. Leask and Mr. Preney in regards to reducing the tote limit in Zone 1. However, after presenting the Sea Urchin Zone Council with options regarding different combinations of tote limits and days for Zone 1 at the February 24, 2016 SUZC meeting, the council opted to recommend the status quo of 15 days with 12 totes. We encourage Mr. Leask, who is the chair of the SUZC, to carry Mr. Preney's recommendation forward in future SUZC discussions for potential implementation in future season rulemakings. Finally, the Department has been supporting the Cat Ledges Project, which aims to restore a formerly productive sea urchin reef in Zone 1. The Department attempted to move forward with a Blue Hill Bay Experimental Management Area in Zone 2 that would have offered insight into the relationship between harvest removals and the resource as well as the opportunity to duplicate the Cat Ledges Project in Zone 2. However, at the April 7, 2016 SUZC meeting, the council decided to not move forward with the project in the upcoming season as proposed. It is the Department's hope that discussions will continue that would incorporate local harvesters' input and support in the development of a project in this area in future years that will inform management measures aimed at rebuilding the resource. The short-term impacts of urchin dragging on the bottom in Maine were evaluated in two 1998 studies. The Department agrees that more research on this topic would be useful.

Whiting & Dennys Bays Calendar

At the May 25, 2016 meeting, a harvester in attendance noted that there are actually 10 days allotted as open in the Late Diver, Trapper and Raker Calendar, when it is actually supposed to be 9. The SUZC set the Whiting & Dennys Bays Calendar at their April 7, 2016 meeting and it was intended that all calendars, regardless of season or gear type, would all be set at 9 open days for this area. Therefore, the Department has removed the last day in the Late Diver, Trapper and Raker Calendar to ensure that all calendars and access to the area is equally set at 9 days regardless of gear type or season.

(5 M.R.S., §8057-A)

AGENCY: Department of Marine Resources

NAME, ADDRESS, PHONE NUMBER OF AGENCY CONTACT PERSON:

Hannah Dean, Department of Marine Resources, 21 State House Station, Augusta, Maine 04333-0021 Telephone: (207) 624-6573; E-mail: hannah.dean@maine.gov, web address: <http://www.maine.gov/dmr/rulemaking/>

CHAPTER NUMBER AND RULE: Chapter 26

STATUTORY AUTHORITY: 12 M.R.S. §6171, 6173, 6749

DATE AND PLACE OF PUBLIC HEARING: 5/24/2016 6:00 PM, DMR Conference Room, Marquardt Building, 32 Blossom Lane, Augusta; 5/25/2016 6:00 PM, Ellsworth City Hall (Council Chambers), One City Hall Plaza, Ellsworth

COMMENT DEADLINE: 6/4/2016

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

This regulation would establish season limits for the taking of sea urchins by divers, rakers, trappers, and draggers in Zones 1 and 2 during the 2016-2017 season.

For Zone 1, a 15-day season is for divers, trappers, rakers and draggers in 2016-2017, which is the same number of days as in the 2015-2016 season. The Sea Urchin Zone Council recommended the selection of these particular days. Divers, rakers and trappers may fish 15 days in September (“early season”), or 15 days in December (“late season”); and draggers in December (“early season”), or February and March (“late season”).

For Zone 2, a 38-day season is for divers, trappers, rakers and draggers in 2016-2017, which is the same number of days as in the 2015-2016 season. The Sea Urchin Zone Council recommended the selection of these particular days. Divers, rakers and trappers may fish 38 days in September through December (“early season”), or 38 days in December through March (“late season”); and draggers would have 38 days in October through March (“early season”) or November through March (“late season”).

For the Whiting & Dennys Bays Limited Access Area in Zone 2, a 9-day season is for Zone 2 divers, trappers, rakers and draggers in 2016-2017, which is the same number of days as the season in 2015-2016. Zone 2 divers, rakers and trappers may fish 9 days in November and December (“early season”), or 9 days in January, February and March (“late season”); both early and late season Zone 2 draggers would have 9 days in December, February and March. The Sea Urchin Zone Council recommended the selection of these particular days.

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

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

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

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]

This regulation would establish season limits for the taking of sea urchins by divers, rakers, trappers, and draggers in Zones 1 and 2 during the 2016-2017 season.

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This regulation would also change the date by which a Zone 2 harvester must designate the early or late season, from September 15 to August 15, if the harvester wishes to change his/her designation.

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

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