

**NOTICE OF AGENCY EMERGENCY RULE-MAKING****AGENCY:** Department of Marine Resources**CHAPTER NUMBER AND TITLE:** Chapter 11.08, Targeted Closures: (8) Upper Englishman Bay Rotational Area; (9) Upper Addison Rotational Area; (10) Cobscook, Whiting & Dennys Bay; (11) Upper Frenchman Bay; (12) Toothacher and Upper Swans Island Rotational Area**CONCISE SUMMARY:**

The Commissioner adopts this emergency rulemaking to establish scallop conservation closures in Cobscook, Whiting & Dennys Bay (Zone 3), Upper Frenchman Bay, Toothacher and Upper Swans Island rotational areas (RA) and expanded closures in Addison and Englishman Bay RA (Zone 2). The Department is concerned that continued harvesting for the remainder of the 2023-2024 fishing season in these areas will reduce scallop broodstock further, as well as jeopardize sublegal scallops that were observed in the 2023 Scallop surveys that are essential to the ongoing recruitment, regrowth and recovery of the scallop resource. An immediate conservation closure is necessary to reduce the risk of unusual damage and imminent depletion of the scallop resource in five important scallop harvest areas. For these reasons, the Commissioner hereby adopts an emergency closure of Maine's scallop fishery in these areas as authorized by 12 M.R.S. §6171(3)(A).

**EFFECTIVE DATE:** January 28, 2024

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## DEPARTMENT OF MARINE RESOURCES

## Chapter 11 Scallops

**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.

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. 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.

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.

3. Upper Sheepscot River

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.

Eastern boundary: West of a line drawn at the most northern tip of Soldier Point, Georgetown Island running north to the most southern tip of Westport Island.

Southern boundary: North of a line drawn from the most southern point of Kehail Point running northeasterly to the most southern point of Barbers Island and continuing southeasterly to the most northwestern tip of Sawyer Island.

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).

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.

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.

7. Green Island/The Brothers

Inside a line starting at the southwestern tip of The Brothers Island, running along the southern shore to the northeastern tip of The Brothers Island, then running northeasterly to the green buoy (G"1" Bell), continuing northwest to the red buoy (RN"2"), continuing westerly to the eastern tip of Green Island and running along the north shore of Green Island to the western tip of Green Island, and then running southerly to meet the southwestern tip of The Brothers Island

8. Upper Englishman Bay Rotational Area

All waters inside and shoreward of the following boundary line: North of a line beginning at the northeast tip of Great Spruce Island, then southeasterly to the western tip of The Brothers Island and continuing along the southern shore to the eastern most tip, then running to the southwestern tip of Libby Island and continuing along the southern shore to the most northeastern tip; and then running in a northeasterly direction to the red buoy (RN2), and continuing northeasterly to the southwestern tip of Seal Cove, Cross Island.

~~Roque Island Harbor & Little Kennebec Bay within Englishman Bay Rotational Area~~

~~Southern boundary. North of a line starting at the eastern tip of Great Spruce Island, and continuing easterly to the western tip of The Brothers, running along the southern shore to the eastern tip of The Brothers then continuing northeasterly to the green buoy (G"1" Bell), then running north to the southern tip of Hickey Island and continuing east to Point of Main, Machiasport.~~

9. Harrington River within Upper Addison Rotational Area

Southern boundary: North of a line starting at the southern tip of Flint Island and running southeasterly to the western tip of Nash Island, then continuing southeasterly to the southern tip of Flat Island; and then running northeasterly to the western tip of Outer Sand Island.

~~Southern boundary: North of a line beginning at the eastern tip on the southern shore of Northeast Cove, Dyer Island, and running easterly to Red Nun 4, then continuing on to Red Nun 2, and continuing northeasterly to the southern tip of Narrows Island, running north along the eastern shoreline to the northern tip of Narrows Island and running to the eastern tip of Willard Point, Ripley Neck.—~~

10. Cobscook, Whiting & Dennys Bays

Northern boundary: South and west of a line drawn from the northern tip of Dog Island at "Boundary Range Marker 13", Eastport to the southern tip of Deer Island Point, Canada.

Eastern boundary: West of the international maritime boundary line.

Southern boundary: North and west of the International Bridge between Lubec and Campobello Island.

Exception: Harvest by drag only may occur on Monday, January 29, 2024 and Monday, February 5, 2024 within Whiting and Denny's Bay Limited Access Area. Harvest by dive only may occur on Saturday, February 3, 2024 and February 10, 2024 within Whiting and Denny's Bay Limited Access Area.

11. Upper Frenchman Bay

Southern boundary: North of a line starting at Ogden Point, Mount Desert Island and running southeasterly to Great Head on Ironbound Island; continuing southeasterly to the southern tip of Turtle Island and then running southeasterly to the westernmost prominence of Schoodic Head,

12. Toothacher and Upper Swans Island Rotational Area

Southern boundary: North of a line starting at the northeast prominence of Marshall Island opposite of Ringtown Island and running easterly to the western point of Ringtown Island, continuing along the southern shore of Ringtown Island to the eastern most point of Ring Island; then running northeasterly to the Green Bouy "3", and continuing northeasterly to the southeastern point of Hockamock Head, Swan Island and ending at the northeastern tip of Harbor Island.

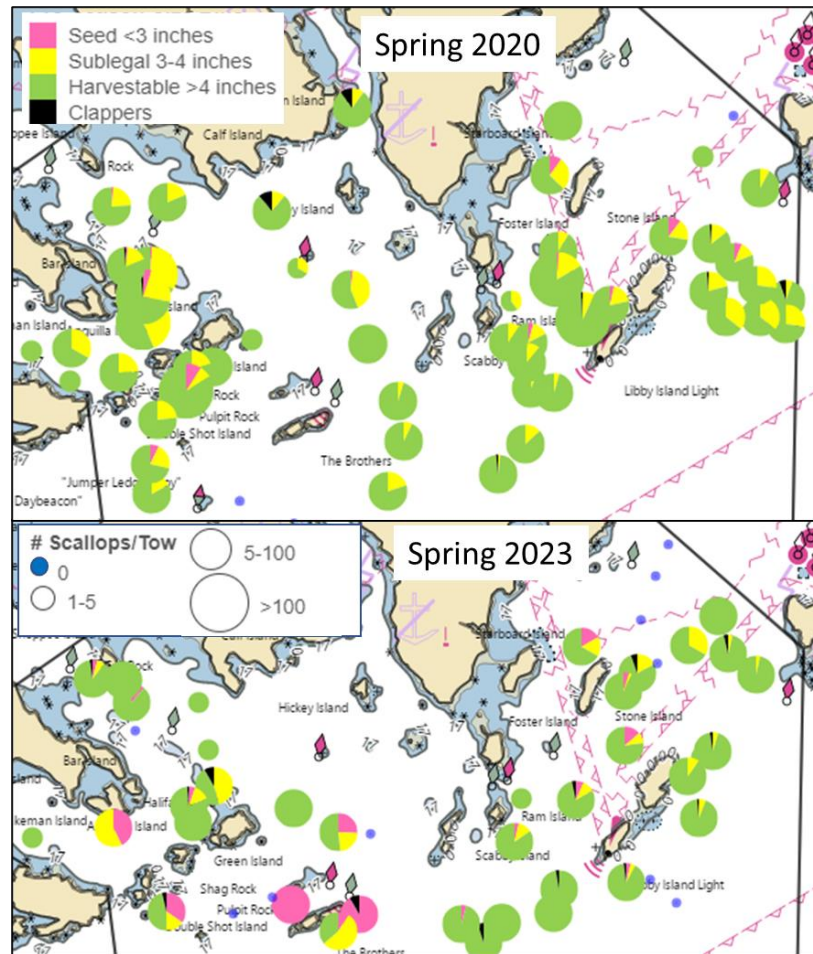
Eastern boundary: West and north of a line starting at East Point, Swans Island and running northeasterly to the southern tip of Black Island, continuing along the southern shore of Black Island, and then running east to the Red Nun (RN2), and then running northeasterly to the eastern tip of Great Gott Island.

## Basis Statement

The Department is taking emergency rulemaking action to include targeted conservation closures in Chapter 11.08, Targeted Closures: (8) Upper Englishman Bay Rotational Area; (9) Upper Addison Rotational Area; (10) Cobscook, Whiting & Dennys Bay; (11) Upper Frenchman Bay; and (12) Toothacher and Upper Swans Island Rotational Area

### Upper Englishman Bay Rotational Area

DMR scallop survey for 2023 observed strong sublegal scallop presence inside of the islands chain around Rogue Island Harbor (Figure 1; sublegal shown in yellow and pink). Comparison with the DMR scallop survey completed Spring 2020 indicates a decrease of 57% in legal scallop density from 2.7 g/m<sup>2</sup> to 1.2 g/m<sup>2</sup> observed during the most recent Spring 2023 survey.



**Figure 1:** Bubble plots of scallop resource observations during the ME DMR Scallop Survey conducted Spring 2023 (bottom) and Spring 2020 (top) in the Englishman Bay Rotational Area. Legal biomass (Green) density was estimated at 1.2 g/m<sup>2</sup> in 2023 compared to 2.7 g/m<sup>2</sup> for the 2020-21 Scallop Season.

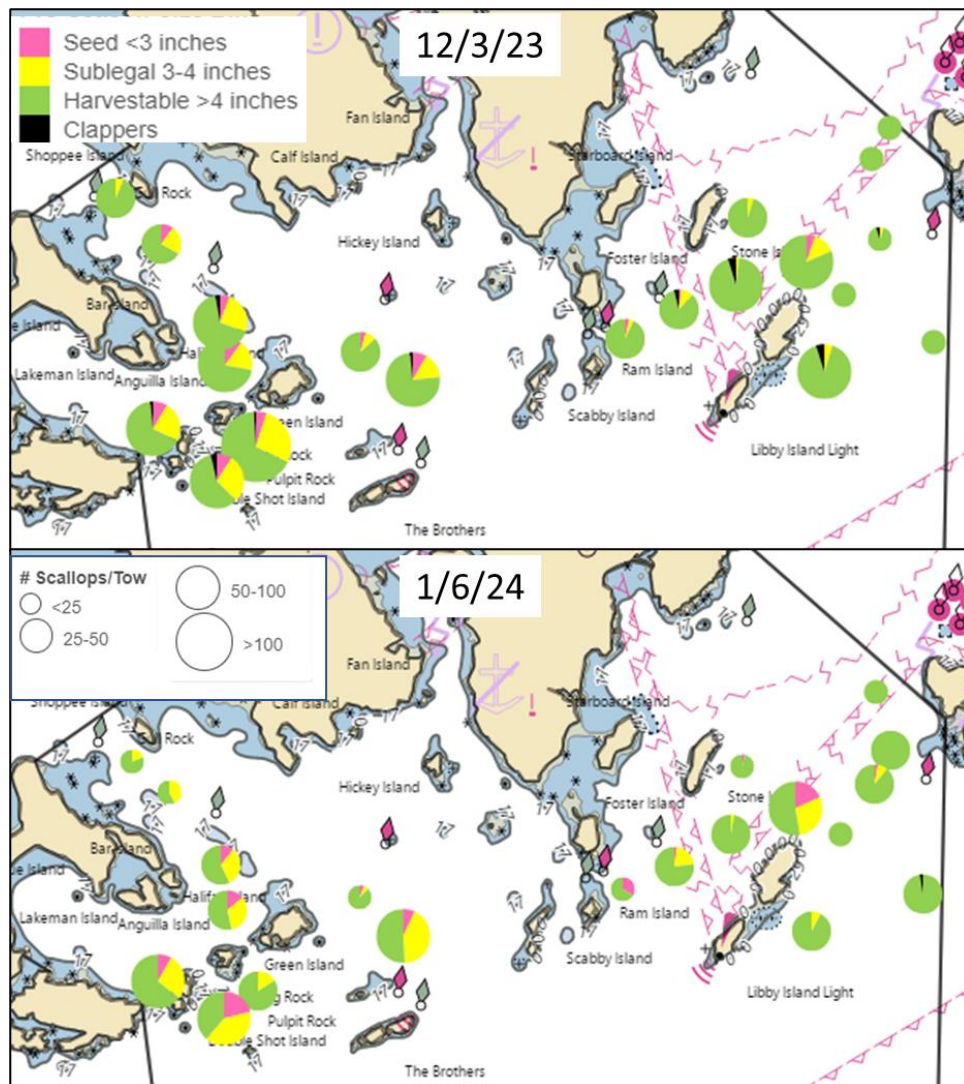
A previous in-season emergency closure that was effective on December 24, 2023 established a partial closure that focused on the Rogue Island Harbor and Sand Bay area. This area was closed after the results of an in-season survey that occurred on December 16, 2023. A follow up in-season survey occurred on January 6, 2024, after an additional 12 days of harvest opportunity. During those additional 3 weeks of harvesting, there was a decrease of active vessels in the area as some harvesters opted to transition to harvesting in Cobscook (Zone 3).

During the final week of December, after the initial closure, there were approximately 20 vessels still harvesting in the area, with the boats spread out between Lower Machias Bay and offshore around Libby Island. In general, vessels were able to reach their daily harvest limit between 10:00 am and noon time. Some harvesters communicated to Patrol that they would travel to Cobscook the following week. During most of January, 10-15 vessels remained working in lower Machias Bay and outside of the islands,

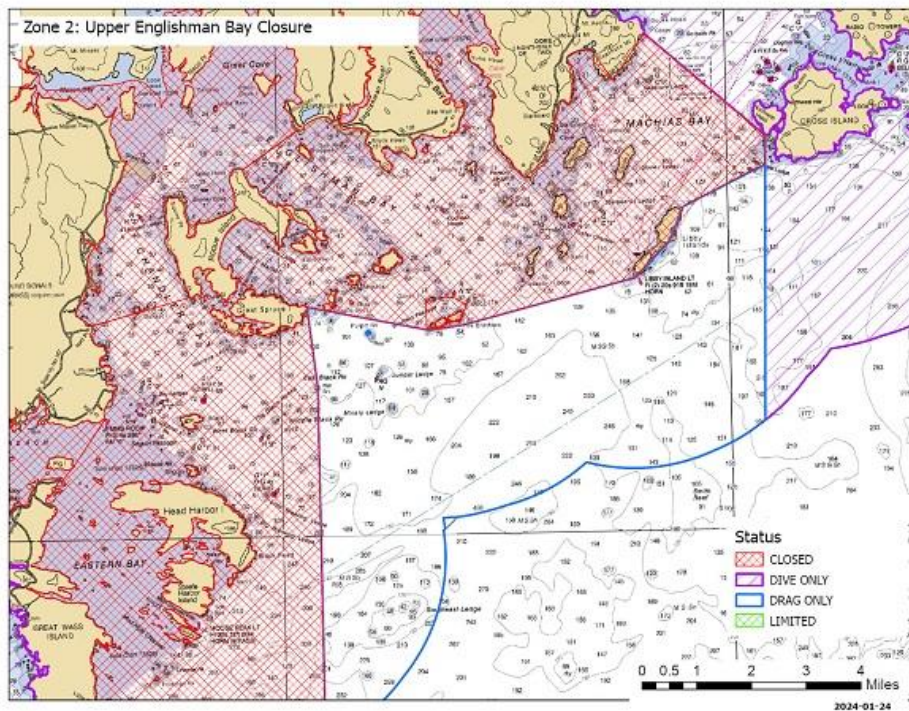
dependent on weather. Recently, most of the effort has been concentrated in the offshore area south of the Brothers and Libby Islands.

Twenty stations with historic high catches and in areas where the fishing was expected to occur in this season were sampled using the standardized scallop survey parameters on December 3<sup>rd</sup>, after one day of fishing, on December 16<sup>th</sup> after 11 days open to fishing and again on January 6<sup>th</sup> after an additional 12 days available for harvest. The January 6<sup>th</sup> survey showed similar results at the stations around Halifax Island which was closed on 12/25/23 to protect the sublegal scallops in this area. The December 16<sup>th</sup> and January 6<sup>th</sup> survey showed most of these stations around Halifax Island experienced shift from legal scallops being dominate to primarily sublegal and seed scallops being the majority of the catch (Figure 2).

During the third survey on January 6<sup>th</sup>, DMR staff observed a reduction in total catch at nearly every station sampled. For the entire survey area there was a 36% decline in the density of scallop meats from 4.1 g/m<sup>2</sup> to 2.6 g/m<sup>2</sup>. The stations near Libby Island where the recent effort was concentrated after the 12/25 closure had a 38% decrease in density of scallop meat from 4.5 g/m<sup>2</sup> to 2.8 g/m<sup>2</sup>. The area remained opened for an additional 12 days after the third survey was completed and would have experienced additional decrease in density. This closure is necessary to prohibit further reduction of the legal spawning stock that remains in the area and to protect the sublegal scallops from any additional incidental mortality (Figure 3).



**Figure 2:** Bubble plots of the Englishmen Bay stations from the pre-season (top) and January 6<sup>th</sup> in-season (bottom) scallop survey. The bubble plots show the relative proportion of the difference size classes of scallops at each station where in the December 3<sup>rd</sup> survey the dominate size bin was legal scallops (green) and on the January 6<sup>th</sup> survey after 23 days of fishing there was a reduction in the number of scallops at each station and a higher percentage of sublegal scallops <4 inches (yellow and pink)



**Figure 3:** Chart depicts in-season conservation closure for Upper Englishman Bay Rotational Area, effective Sunday, January 28, 2024.

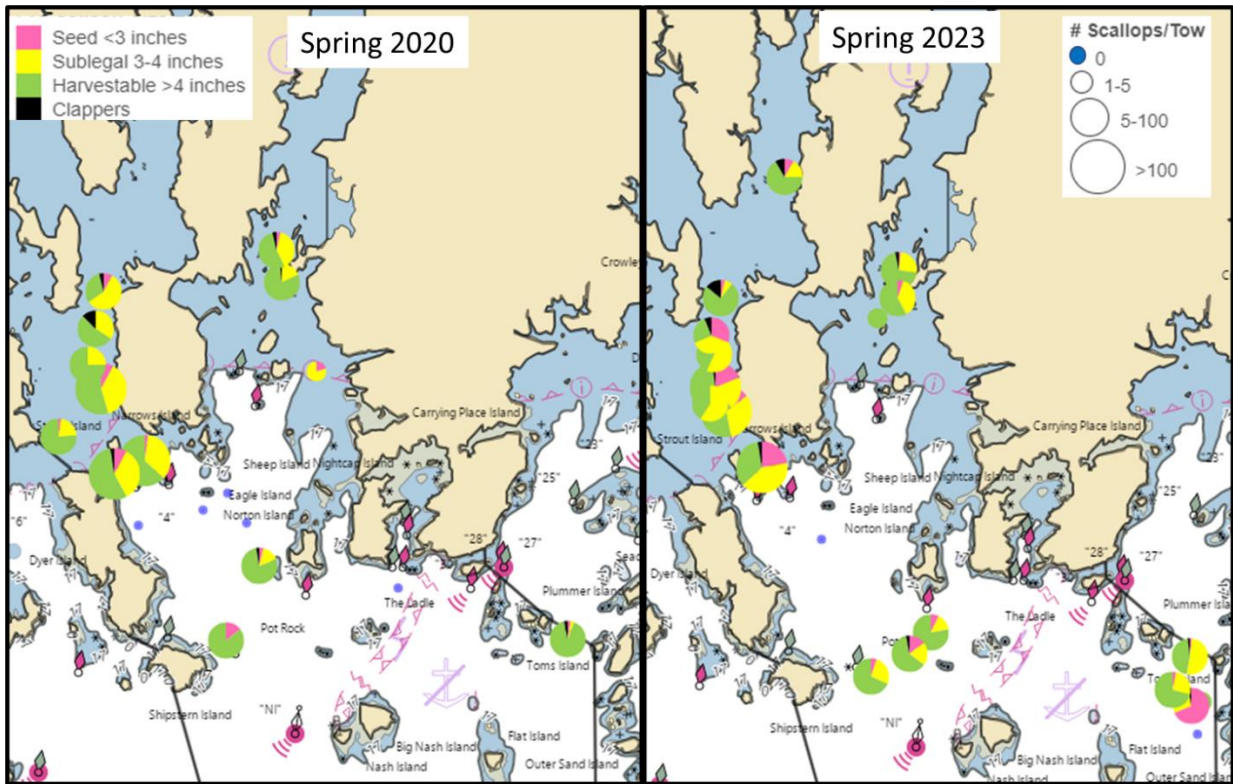
### **Upper Addison Rotational Area**

DMR scallop survey for 2023 observed strong sublegal scallop presence around Strout Island ledges in Pleasant Bay (Figure 4; sublegal shown in yellow and pink). Comparison with the DMR scallop survey completed Spring 2020 indicates an increase of 8% in legal scallop density from 2.4 g/m<sup>2</sup> to 2.6 g/m<sup>2</sup> observed during the most recent Spring 2023 survey.

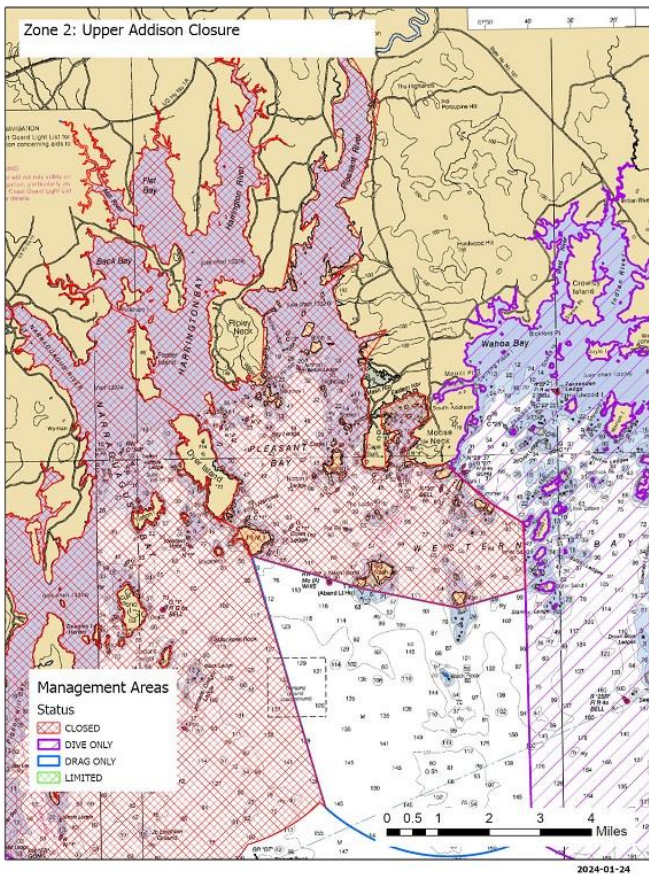
A previous in-season emergency closure that was effective on December 24, 2023 established a partial closure that focused on the Harrington River and included survey stations that denoted the strongest presence of sublegal scallop resource.

After the initial closure, Marine Patrol reported a reduction from approximately 20 active vessels to a reported 5 to 7 active vessels working the middle of the rotation between Norton and Nash Island. Harvesters reported catch rates had decreased to 2 bushels a tow or less during the final week of December and early January. However, the two back-to-back coastal storms that hit the Maine coast during January greatly impacted infrastructure in the area. Most local boats had stopped fishing in the area as catch rates further reduced to 1 bushel per tow. Local harvesters recommended a further closure such that the remaining legal biomass would have a better chance of successful recruitment for future seasons.

This closure is necessary to prohibit further reduction of the legal spawning stock that remains in the area and to protect the sublegal and seed scallops from any additional incidental mortality (Figure 5).



**Figure 4:** Bubble plots of scallop resource observations during the ME DMR Scallop Survey conducted Spring 2020 (left) and Spring 2023 (right) in the Addison Rotational Area. Legal biomass density was estimated at 2.6 g/m<sup>2</sup> in 2023 compared to 2.4 g/m<sup>2</sup> for the 2020-21 Scallop Season. Survey observed a higher relative abundance of seed <3 inches (Pink) scallops in 2023.

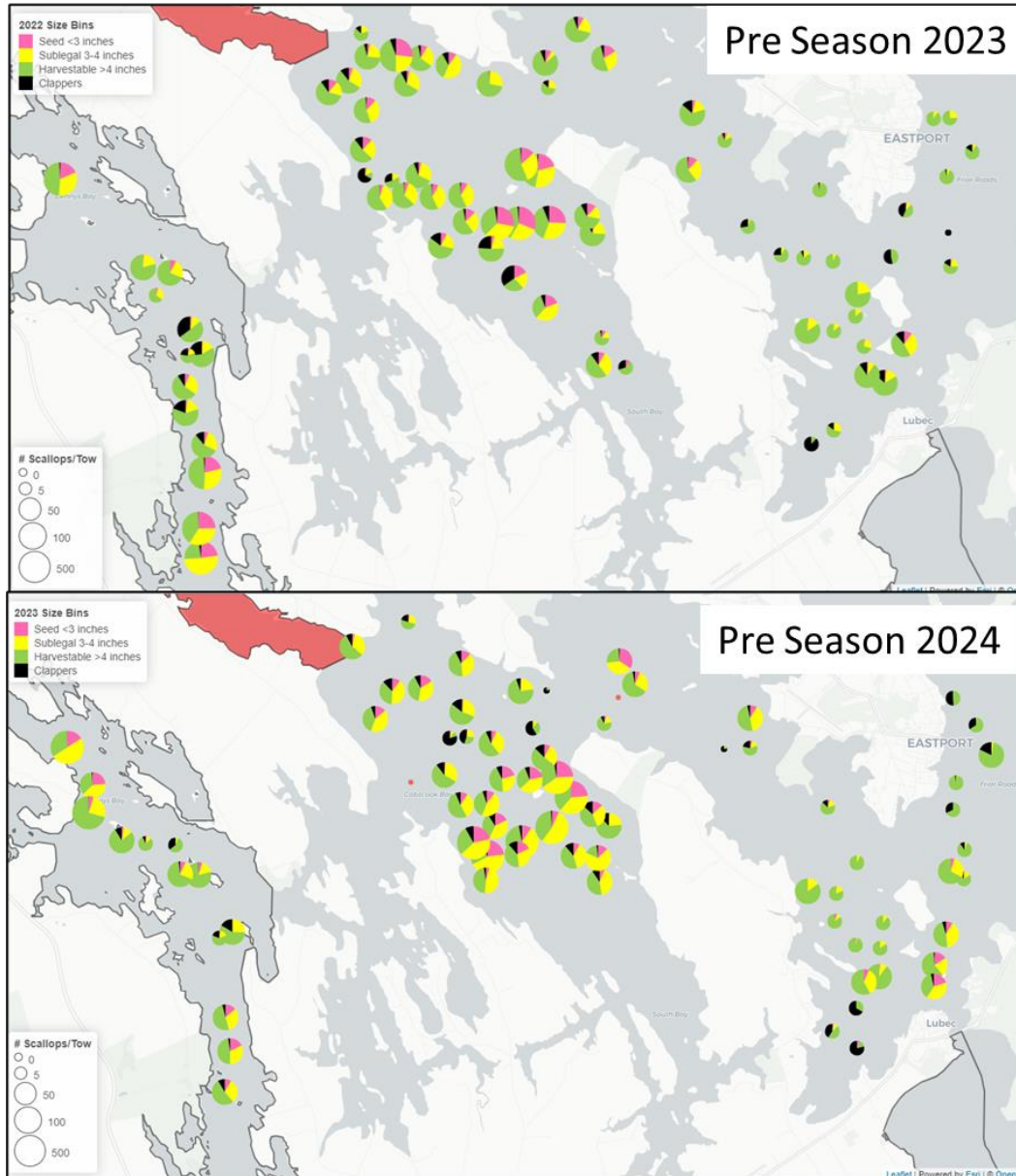


**Figure 5:** Chart depicts in-season conservation closure for Upper Addison Rotational Area, effective Sunday, January 28, 2024.

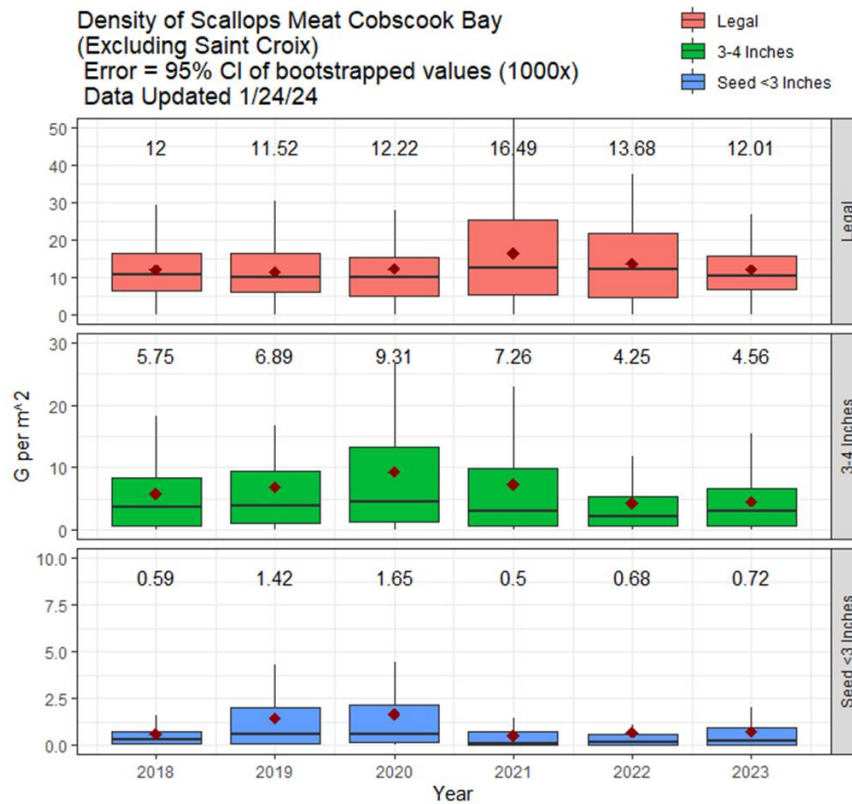


## Cobscook Bay, including Whiting & Dennys Bay

DMR pre-season scallop survey for Cobscook Bay occurred November 9-12, 2023. Overall, the survey reported a moderate presence of sublegal and legal scallops. Comparison with the DMR pre-season scallop survey completed November 2022 indicated a continued decrease in relative legal scallop density since the high of 16.5 g/m<sup>2</sup> in November 2021 to approximately 12.0 g/m<sup>2</sup> observed November 2023 (Figure 6). The past two seasons have shown the lowest amount of sublegal scallops (<3-4 inches) since 2016 (Figure 7).



**Figure 6:** Bubble plots of scallop resource observations during the ME DMR Fall Scallop Survey conducted November 2022 (top) and November 2023 (bottom) in Cobscook Bay area. Legal biomass density was estimated at 12.0 g/m<sup>2</sup> in 2023 compared to 13.7 g/m<sup>2</sup> for the 2022-23 Scallop Season. The survey observed a slight increase in abundance of seed <3 inches (Pink) scallops in 2023 present in all survey areas.

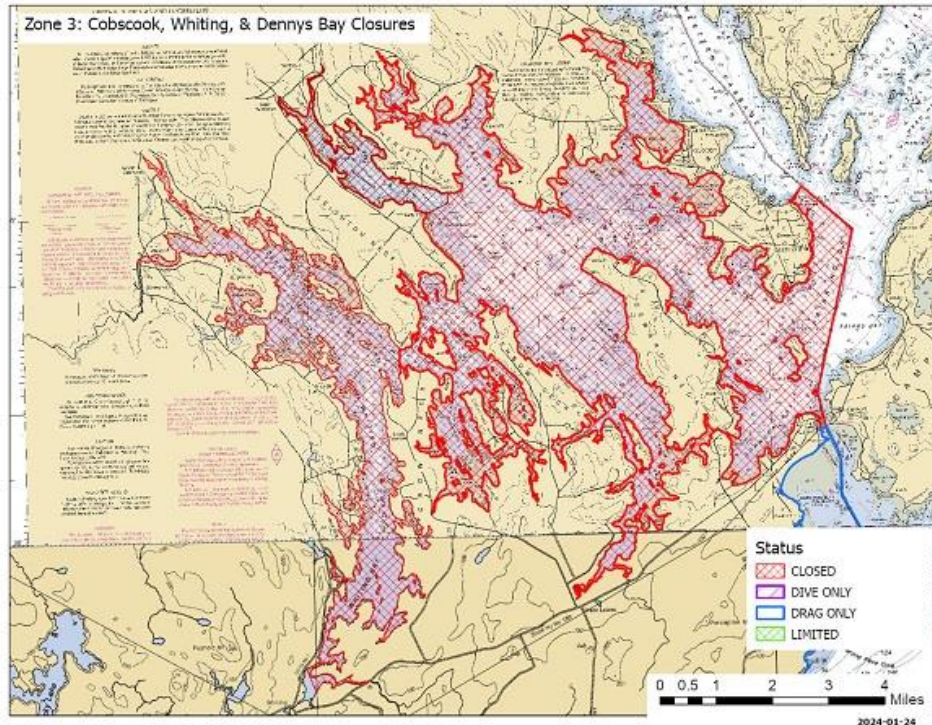


**Figure 7:** Box plots of scallop resource observations during ME DMR Scallop Surveys conducted Fall 2016 through 2023 for Cobscook Bay including Whiting and Dennys Bays excluding the Saint Croix River. Density of harvestable scallops peaked in the 2021-2022 and have been steadily declining since then. The past two years have had all time lows of sublegal scallops 3-4 inches.

The scallop resource in Cobscook proper (local areas of South Bay, Johnson Bay and Eastport Breakwater) had been relatively stable in the three previous seasons (2020-2023), but the 2023 pre-season survey indicated a decrease in legal biomass as well as relatively low seed and sublegal biomass in the area (Figure 7). Harvesters commented early in the season that Cobscook Bay did not appear to have improved since the previous season. Harvesters signaled early in the season that the area would not reach its typical 30 day season. Additionally, DMR staff with experience surveying the area shared the observation that there was less biomass in each survey tow when anecdotally compared to 2021.

Marine Patrol had observed a lower rate of effort in the area at the beginning of the 2023-2024 scallop season which opened on December 4, 2023 than was observed in previous seasons by about 15-20 vessels. For the first few weeks, 50 to 60 vessels were present with average catch rates and fair meat size and quality. Early comments from harvesters indicated that Cobscook Bay did not appear to have the same high level of biomass, legal or sublegal, as observed in previous seasons.

Coincidentally, reduced catch rates in open rotations within Zone 2 resulted in an earlier transition of vessels from Zone 2 into Zone 3, starting the third week of December. In the final week of December and early January, participation steadily increased to 100-110 vessels. Weather did not hinder operations and most drag vessels were consistently harvesting for the duration of the season. As a result, total trip time to reach the 90 lb daily limit went from 1 hour to 2.5 hours in some portions of Cobscook Bay by the second and third week of January. Additionally, meat counts were on average 15 count per pound during the early part of the season but have decreased to an average of 18 count per pound with a high of 35 count, although some harvesters are able to find very small pockets of larger scallops sporadically.



**Figure 8:** Chart depicts in-season conservation closure for Cobscook, Whiting and Dennys Bays (Zone 3) effective Sunday, January 28, 2024.

The Whiting Dennys LAA has been steadily harvested in previous seasons for 11 days but the resource continues to have the highest densities in the area with a three-year average of 16.8 g/m<sup>2</sup>. With this current closure, only 8 harvest opportunity days have been available for the LAA. Therefore, an additional two days to harvest may benefit the smaller scallops and maximize their growth potential. Additionally, there have been reports from harvesters this season that the meat quality in the area has been stringy. Thus, in an attempt to remove the older cohorts with poor meat quality, it has been determined that two extra days should be allowed to harvest in the Whiting Dennys Limited Access Area only, for both dragging and diving.

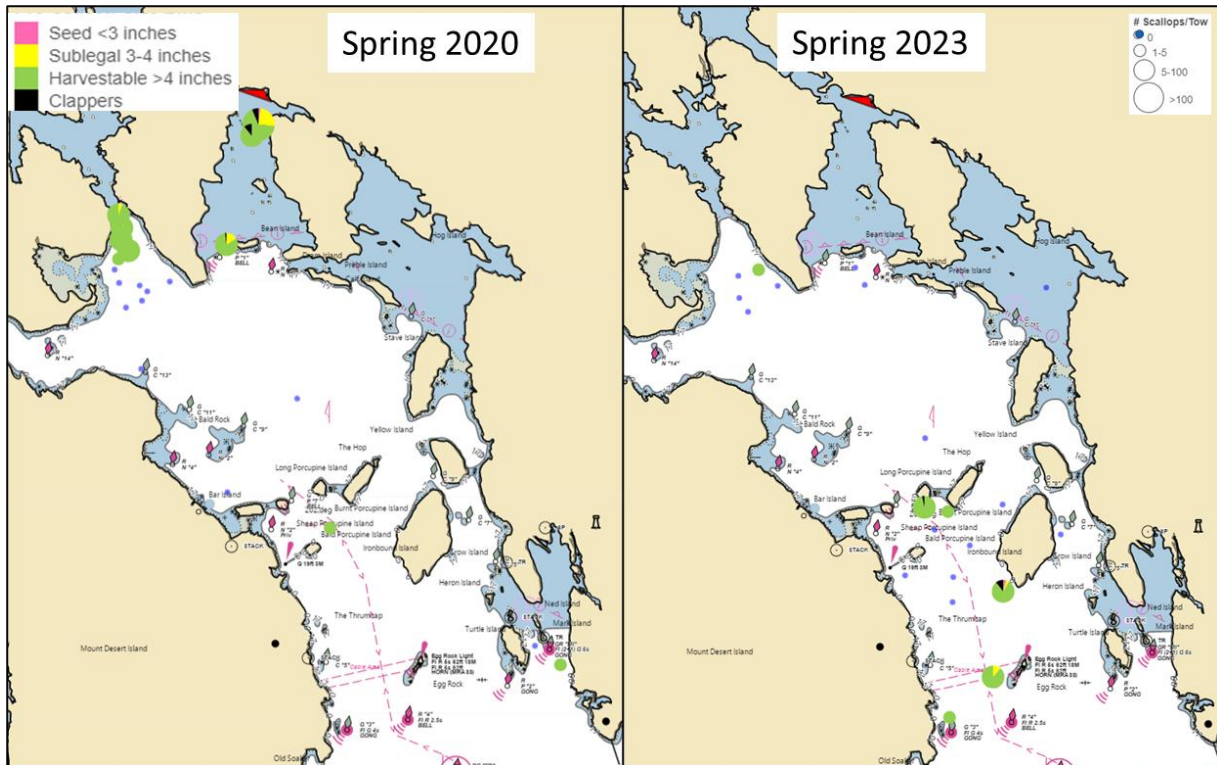
This closure is necessary to prohibit further reduction of the legal spawning stock that remains in the area and to protect the high abundance of sublegal and seed scallops from any additional incidental mortality (Figure 8).

### **Upper Frenchman Bay**

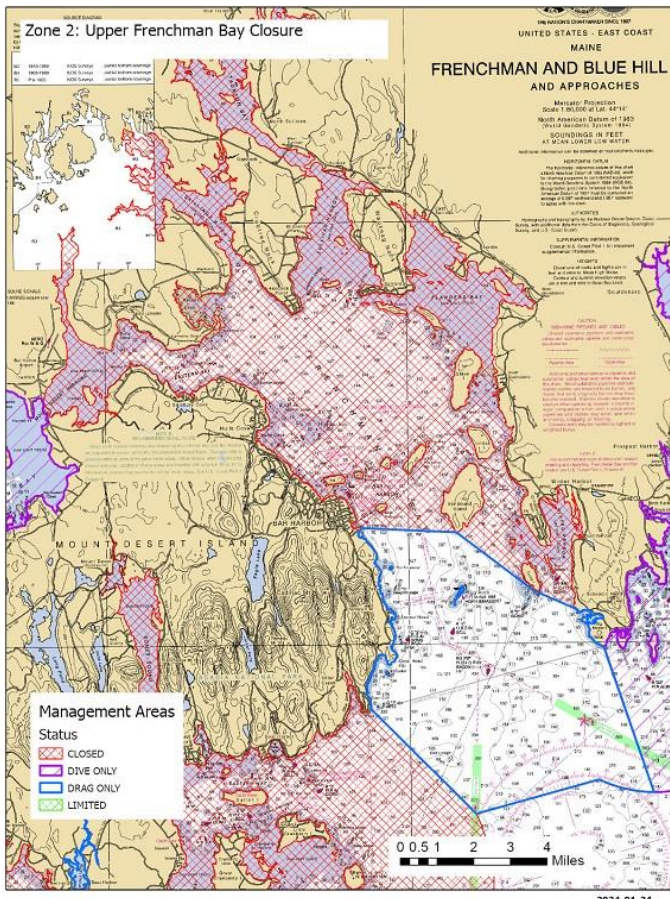
DMR spring scallop survey for 2023 did not observe any significant levels of sublegal scallops in Frenchman Bay (Figure 7; sublegal shown in yellow). Additionally, several stations did not observe any scallops with only three stations indicating a predominant level of legal scallops. Comparison with the DMR scallop survey completed Spring 2020 indicate a decrease in relative legal scallop density from 2.16 g/m<sup>2</sup> to 0.79 g/m<sup>2</sup> observed during the most recent Spring 2023 survey.

There have been low levels of local harvesting effort in this area since the beginning of December 2023, ranging from 5 – 8 vessels with very inconsistent catch rates. This rotation has performed poorly during the season compared to last season, showing no recovery nor recruitment of scallops after in-season closures that occurred in-season of 2020-21 after 27 and 55 days of harvesting, respectively. Anecdotal observations of seed and sublegal have not been reported by any harvesters in the area this season. This closure for the 2023-24 season occurs after 35 open harvest days in an effort to provide a greater opportunity for recovery and to avoid additional effort entering the rotational area.

This closure is necessary to prohibit further reduction of the legal spawning stock that remains in the area and to protect the sublegal and seed scallops from any additional incidental mortality (Figure 8).



**Figure 9:** Bubble plots of scallop resource observations during the ME DMR Scallop Survey conducted Spring 2020 (left) and spring 2023 (right) in the Frenchman Bay Rotational Area. Legal biomass density was estimated at 2.16 g/m<sup>2</sup> in 2020 compared to 0.79 g/m<sup>2</sup> for the 2023-2024 Scallop Season.



**Figure 10:** Chart depicts the in-season conservation closure for the Upper Frenchman Bay Rotational Area, effective Sunday, January 28, 2024.

## Toothacher Bay and Upper Swans Island Closure

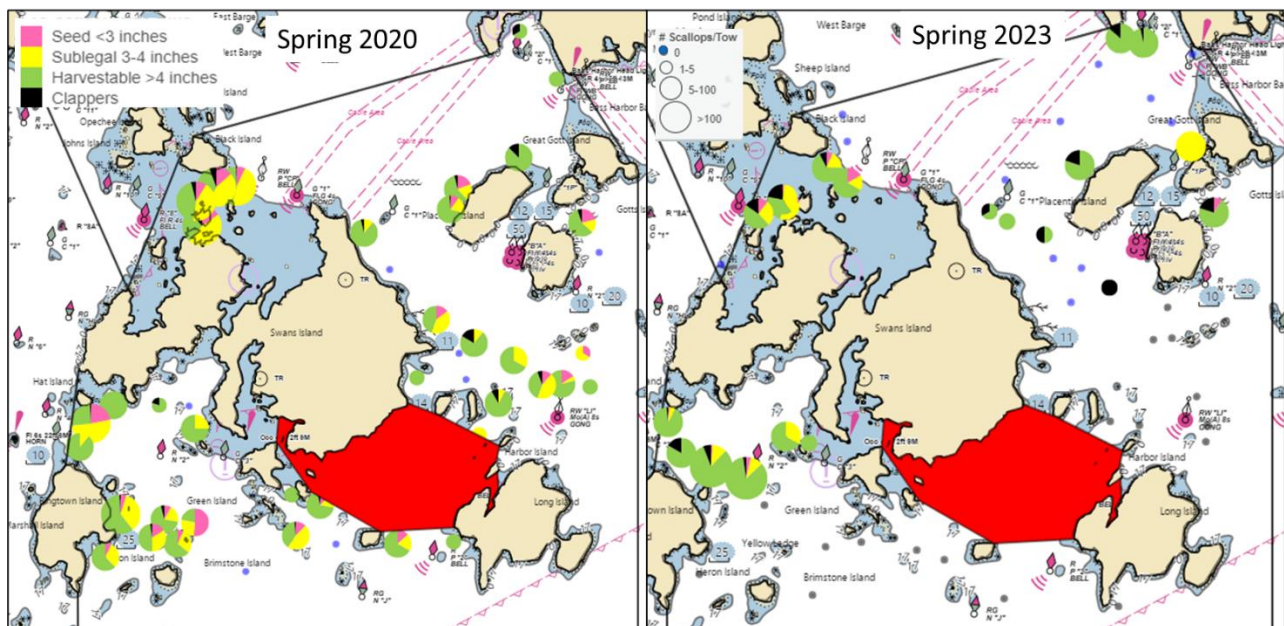
DMR scallop survey for 2023 observed moderate sublegal scallop presence west of Great Gott Island and east of Marshall Island (Figure 11; sublegal shown in yellow). Comparison with the DMR scallop survey completed Spring 2020 indicates a slight decrease in relative legal scallop density from 1.9 g/m<sup>2</sup> to 1.7 g/m<sup>2</sup> observed during the most recent Spring 2023 survey.

Swans Island Rotational Area experienced strong effort beginning December 4, 2023 with approximately 20-25 vessels present in Toothacher Bay and an additional 10-15 vessels present in the northeast corner of the rotational area.

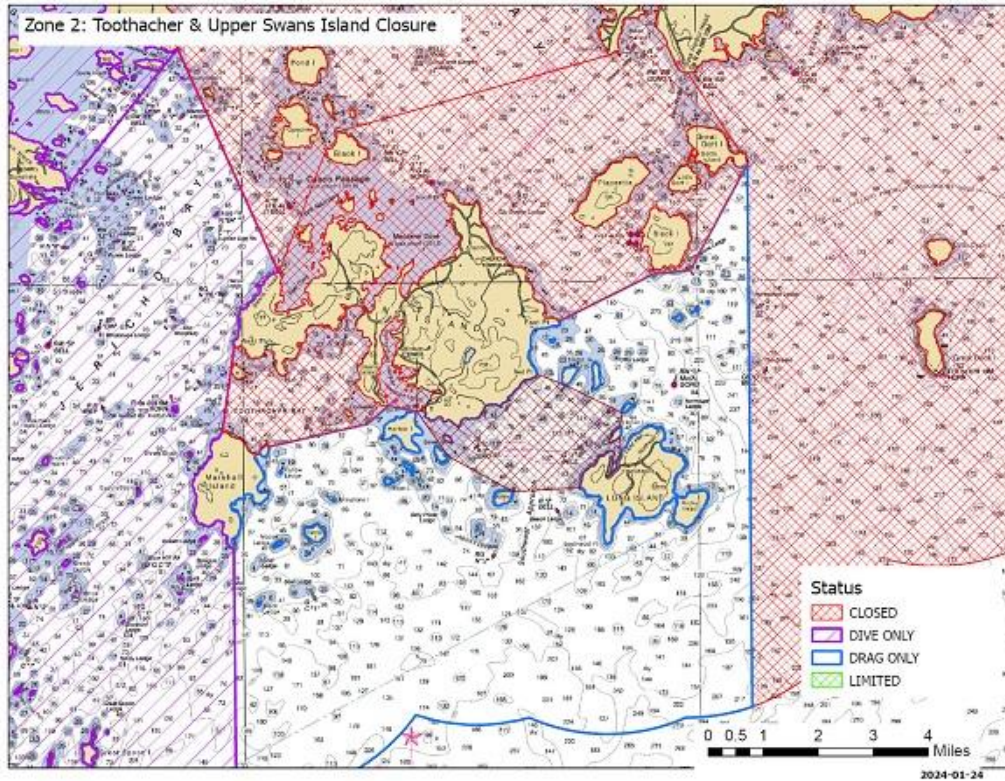
Marine Patrol reported a decrease in active vessels within Toothacher Bay by mid-January from a peak of 25 to less than 15 vessels as catch rates decreased and about 12 vessels moved into the Isle au Haut rotational area. Approximately 12 vessels harvested in Casco Passage during the first week of December and then quickly left the area; no longer a hotspot within this rotation. Approximately 15-18 vessels from Bass Harbor area, fished in the northeastern corner of the rotational area in December 2023 and around the deep water west of Great Gott Island, but also reported that catch rates were less than previous seasons.

Recent comments from harvesters indicate the area has been impacted by the double winter storms that occurred early in January. Catch rates have decreased further and areas that did indicate presence of sublegal scallops should be preserved for future seasons.

This closure is necessary to prohibit further reduction of the legal spawning stock that remains in the area and to protect the sublegal and seed scallops from any additional incidental mortality (Figure 12).



**Figure 11:** Bubble plots of scallop resource observations during the ME DMR Scallop Survey conducted Spring 2020 (left) and 2023 (right) in the Swans Island Rotational Area. Legal biomass density was estimated at 1.9 g/m<sup>2</sup> in 2020 compared to 1.7 g/m<sup>2</sup> for the 2023-2024 Scallop Season. The observed seed in the 2020 survey (yellow) was clearly detected in Toothacher bay in the 2023 survey (green). Stations for the 2023 survey in areas which will remain open remain confidential and are shown as black points.



**Figure 12:** Chart depicts the in-season conservation closure of Toothacher Bay and Upper Swans Island Rotational Area, effective Sunday, January 28, 2024.

In summary, the Department is concerned that continued harvesting for the remainder of the 2023-2024 fishing season in these areas will reduce scallop broodstock further, as well as jeopardize sublegal scallops that were observed in the 2023 scallop surveys (spring and in-season) that are essential to the ongoing recruitment, regrowth and recovery of the scallop resource. An immediate conservation closure is necessary to reduce the risk of unusual damage and imminent depletion of the scallop resource in Cobscook Bay (Zone 3) and portions of Englishman, Addison, Frenchman and Swans Island rotational areas (Zone 2).

For these reasons, the Commissioner hereby adopts an emergency closure of Maine’s scallop fishery in these areas as authorized by 12 M.R.S. §6171(3)(A).

In accordance with 5 M.R.S. §8052, sub-§5-A, a statement of the impact on small business has been prepared. Information is available upon request from the DMR Commissioner’s Office, State House Station #21, Augusta, Maine 04333-0021, telephone (207) 624-6553.

# Rule-Making Fact Sheet

(5 M.R.S., §8057-A)

AGENCY: Department of Marine Resources

**NAME, ADDRESS, PHONE NUMBER OF AGENCY CONTACT PERSON:**

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**CHAPTER NUMBER AND RULE: Chapter 11.08, Targeted Closures: (8) Upper Englishman Bay Rotational Area; (9) Upper Addison Rotational Area; (10) Cobscook, Whiting & Dennys Bay; (11) Upper Frenchman Bay; and (12) Toothacher and Upper Swans Island Rotational Area**

**STATUTORY AUTHORITY: 12 M.R.S. §6171(3)(A)**

DATE AND PLACE OF PUBLIC HEARING: NA; Emergency Rulemaking

COMMENT DEADLINE: NA; Emergency Rulemaking

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

The Commissioner adopts this emergency rulemaking to establish scallop conservation closures in Cobscook, Whiting & Dennys Bay (Zone 3), Upper Frenchman Bay, Toothacher and Upper Swans Island rotational areas (RA) and expanded closures in Addison and Englishman Bay RA (Zone 2). The Department is concerned that continued harvesting for the remainder of the 2023-2024 fishing season in these areas will reduce scallop broodstock further, as well as jeopardize sublegal scallops that were observed in the 2023 Scallop surveys that are essential to the ongoing recruitment, regrowth and recovery of the scallop resource. An immediate conservation closure is necessary to reduce the risk of unusual damage and imminent depletion of the scallop resource in five important scallop harvest areas.

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

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

The adopted rule(s) seek to maintain the recovery of the scallop resource within the State of Maine. The rule is intended to have a long-term positive impact on the scallop fishery.

**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]

Input from DMR science staff, Maine Marine Patrol, and scallop industry members along with landing reports and scallop survey data streams.

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

Enforcement of this amendment would not require additional activity in this agency. Existing enforcement personnel will monitor compliance during their routine patrols.