

NOTICE OF AGENCY RULE-MAKING ADOPTION

AGENCY: Department of Marine Resources

CHAPTER NUMBER AND TITLE: Chapter 25.04 Lobster Trawl Limits Hancock County

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

CONCISE SUMMARY:
In October 2018, a new trawl limit area was established at the request of the Zone B Council. DMR was aware that there was potential to refine the area described by the new trawl limit to better meet the needs of Zone B and Zone C fishermen fishing there. The Department held meetings with fishermen from Zone B and Zone C to determine what changes to the area were advisable. At their January 2019 meeting, the Zone B Council supported the Department’s proposal to amend this area in accordance with the changes proposed through the meetings that were held. The rule represents the amended area and eliminates the sunset on the original area.

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

AGENCY CONTACT PERSON: Amanda Ellis (207) 624-6573
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Please approve bottom portion of this form and assign appropriate MFASIS number.

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

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

DEPARTMENT OF MARINE RESOURCES

CHAPTER 24

25.04 Lobster Trawl Limits

- C. Effective October 1, 2018, it is unlawful to have on any trawl more than 5 lobster traps in the following area off Hancock County:

~~From the intersection of the eastern boundary of Lobster Zone B with the Maine Six Mile Line at 44° 8.64' N, 67° 59.19' W, proceeding in a southerly direction for ~9.2 NM along the eastern boundary of Lobster Zone B to 43° 59.75' N, 67° 55.72' W, then westward at a bearing of 243.5° True for 19.6 NM to a point on the NOAA 12NM line at 43° 48.61' N, 68° 18.07' W (LORAN-C line 25675). Then proceeding in a westerly direction along the NOAA 12NM line to its intersection with the western boundary of Lobster Zone B at 43° 51.51' N, 68° 24.53' W; then northward along the western boundary of Lobster Zone B to its intersection with the Maine Six Mile Line at 43° 54.42' N, 68° 25.62' W. Finally, eastward along the Maine Six Mile Line to its intersection with Lobster Zone B eastern boundary. then ~6.7 NM southwesterly to 43° 56.0' N, 68° 3.26', thence True west to a point on the Mount Desert Rock 3NM line at 43.0° 56.0' N, 68.0° 4.63' W, following the 3NM line to 43.0° 56.0' N, 68.0° 10.84' W, continuing True west to the Maine Six Mile line at 43.0° 56.0' N, 68.0° 23.04' W. Thence following the Maine Six Mile line in a northeast direction back to 44° 8.64' N, 67° 59.19' W.~~

~~25.04 C. sunsets on December 31, 2019.~~

Basis Statement

In October 2018, a new trawl limit area was established at the request of the Zone B Council. DMR was aware that there was potential to refine the area described by the new trawl limit to better meet the needs of Zone B and Zone C fishermen fishing there. The Department held meetings with fishermen from Zone B and Zone C to determine what changes to the area were advisable. At their January 2019 meeting, the Zone B Council supported the Department's proposal to amend this area in accordance with the changes proposed through the meetings that were held. The rule represents the amended area and eliminates the sunset on the original area.

Summary of Comments:

Notice of this proposed rulemaking appeared on January 9, 2019 in the five major daily newspapers as published by the Secretary of State. On January 9, 2019, the rule was posted on the DMR website, and electronic messages were sent to individuals who subscribe to DMR notices. The public hearing was advertised in compliance with the procedures outlined in the Maine Administrative Procedures Act and was held as follows: February 4, 2019, 5:00 PM, Ellsworth High School, Ellsworth, ME. The comment period closed February 15, 2019.

Representative Sherman Hutchins (House District 131) attended the hearing, but did not provide a comment on the proposal. The Department was represented by Sarah Cotnoir, and Amanda Ellis. The Department did not receive any written comments concerning this proposed rule. The Department will adopt the rule as originally 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: 25.04 Lobster Trawl Limits Hancock County

STATUTORY AUTHORITY: 12 M.R.S. §6171-A

DATE AND PLACE OF PUBLIC HEARING(S): February 4, 2019 5:00 PM, Ellsworth High School (Snow date February 5, 2019, 5:00 PM, Ellsworth High School)

COMMENT DEADLINE: February 15, 2019

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

In October 2018, a new trawl limit area was established at the request of the Zone B Council. DMR was aware that there was potential to refine the area described by the new trawl limit to better meet the needs of Zone B and Zone C fishermen fishing there. The Department held meetings with fishermen from Zone B and Zone C to determine what changes to the area were advisable. At their January 2019 meeting, the Zone B Council supported the Department's proposal to amend this area in accordance with the changes proposed through the meetings that were held. The proposed rule also eliminates the sunset on the original area.

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 proposal would amend a five-trap trawl maximum for a specific area, within Zone B, off Hancock County.

BRIEF SUMMARY OF RELEVANT INFORMATION CONSIDERED DURING DEVELOPMENT OF THE RULE:

Feedback from Zone B fishermen, Zone C fishermen, and the Zone B Council. Marine Patrol was also consulted regarding the coordinates for the area.

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.