

NOTICE OF AGENCY RULE-MAKING ADOPTION

AGENCY: Department of Marine Resources

CHAPTER NUMBER AND TITLE: Chapter 11 Scallops; 2023-2024 Season

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

CONCISE SUMMARY:

This rule-making establishes the 2023-2024 scallop fishing season for Zones 1, 2, and 3. A 60 day season is established for Zone 1, a 70 day season is established for Zone 2, and a 50 day season is established for Zone 3. Daily possession limits of 15 gallons for Zone 1 and Zone 2, and 10 gallons for Zone 3 remain unchanged. Limited Access Areas for 2023-2024 are identified in the rule. Harvesting of scallops by hand (diving) is restricted to Rotation C (Third) only for the 2023-2024 season. Harvesting for scallops by dredge gear is restricted to Rotation A (First) only for the 2023-2024 season. Rotation B is closed to all harvest. A new juvenile conservation closure, Green Island/The Brothers, in the Englishmen’s/Kennebec River Rotational Area in Zone 2 is established for the 2023-2024 season. This rulemaking also splits the Lower Penobscot Rotational Area, creating an annual open harvest based on Zone 2 calendars for state waters that surround Matinicus and outer islands in Zone 2. Lastly, this rulemaking allows scallop harvest to begin starting ½ hour before Augusta sunrise.

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

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

APPROVED FOR PAYMENT _____ DATE: _____
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Please forward invoice to: Natural Resource Service Center, 155 SHS, Augusta
010 13A 1120 10 4946 regulations

DEPARTMENT OF MARINE RESOURCES

Chapter 11 Scallops

11.07 Atlantic Sea Scallop Limitations

2. Atlantic Sea Scallops, Night Harvesting Prohibition

Effective November 1, 1986, it shall be unlawful to fish for or take scallops during the nighttime hours between sunset (as defined in 12 M.R.S. §6001(46)) and until 1/2 hour before sunrise (as defined in 12 M.R.S. §6001(45)) within Maine's territorial waters.

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 Sheepscoot 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 and North of the Townsend Gut Bridge connecting Southport Island and West Boothbay Harbor.~~

~~Southern boundary: North of a line drawn from the most southern point of Outer Head Island at Griffith Head, Georgetown to the most southern tip of Cape Island, Southport.~~

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 Barters 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.

~~7. Damariscotta River~~

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

11.09 Limited Access Areas

It shall be unlawful to fish for, take, or possess scallops taken by any method within any of the following Limited Access Areas except by divers on December 7, 8, 9, 14, 15, 16, 21, 22, 23, 28 and 29, 2023 in areas 1, 3, 4 and 5 in Zone 1; and, December 9, 16, 23, 30, 2023, January 6, 13, 20, 27, 2024, February 3, 10, 17, 24, 2024 and March 2, 9, 16, 23, 2024 in area 4 in Zone 3. November 18, 2022; December 2, 3, 9, 10, 16, 17, 23, 24, 30 and 31, 2022 for areas 1, 3 and 5 in Zone 1; and, December 3, 10, 17, 24 and 31, 2022; January 7, 14, 21, and 28, 2023; February 4, 11, 18 and 25, 2023 and March 4

~~and 11, 2023 for area 4 in Zone 3.~~ All directions are relative to True north (not magnetic).

It shall be unlawful to fish for, take, or possess scallops taken by any method within any of the following Limited Access Areas except by draggers on January 1, 8, 15, 22, 29, 2024, February 5, 12, 19, 26, 2024 and March 4 and 11, 2024 in areas 1, 3, 4 and 5 in Zone 1; and December 4, 11, 18, 26, 2023, January 1, 8, 15, 22, 29, 2024, February 5, 12, 19, 26, 2024 and March 4, 11, 18, 2024 in area 4 in Zone 3. ~~January 2, 9, 16, 23 and 30, 2023; February 6, 13, 20 and 27, 2023 and March 6 and 13, 2023 in areas 1, 3, and 5 in Zone 1; and, December 5, 12, 19, and 26, 2022; January 2, 9, 16, 23 and 30, 2023; and February 6, 13, 20 and 27, 2023 in area 2 in Zone 2; and December 5, 12, 19, and 26, 2022; January 2, 9, 16, 23 and 30, 2023; February 6, 13, 20 and 27, 2023; and March 6, 13 and 20, 2023 in area 4 in Zone 3.~~ All directions are relative to True north (not magnetic).

Transiting exception:

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

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

1. Western Casco Bay

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

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

~~2. East Moosabec Ridge~~

~~Eastern boundary: Inside and west of a line starting at the eastern tip of Kelley Point, Jonesport and running southwesterly to the eastern tip of Pig Island; and, continuing southwesterly to the northeastern tip of Great Wass Island.~~

~~Western boundary: East of the Jonesport Bridge.~~

~~3. Western Penobscot Area:~~

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

2. 4. Whiting Bay and Denny's Bay Area

It shall be unlawful to fish for or take scallops and or urchins west of a line starting at the western end of Mahar Point, Pembroke, due south to the nearest point of land on Crow Neck, Trescott, to include all of Whiting Bay and Denny's Bay.

3. 5. Muscle Ridge

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

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

4. Lower Sheepscot River

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

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

Western boundary: East 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 Outer Head Island at Griffith Head, Georgetown to the most southern tip of Cape Island, Southport.

5. Damariscotta River

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

11.11 Open and Closed Scallop Fishing Days

1. Zone 1 season for draggers

The Atlantic Sea Scallop harvesting season in Maine's territorial waters for draggers in Zone 1 is open December 11, 2023 ~~12, 2022~~ through March 21, 2024 ~~23, 2023~~, both days inclusive, with the following exceptions:

- A. In December ~~2023~~ ~~2022~~ fishing is prohibited on Fridays, Saturdays and Sundays, and also Monday, December 25, 2023, with the exception of Friday, December 29, 2023 which will remain open.
- B. In January ~~2023~~, February ~~2023~~, and March 2024 ~~2023~~, fishing is prohibited on Fridays, Saturdays and Sundays.

2. Zone 1 season for divers

The Atlantic Sea Scallop harvesting season in Maine's territorial waters for divers in Zone 1 is open December 5, 2023 ~~November 15, 2022~~ through April 27, 2024 ~~29, 2023~~, both days inclusive, with the following exceptions:

- A. ~~Fishing is prohibited in the month of November 2022 except on days 15, 16, 17, 18, 19, 22, 23, 25, 26 and 30, 2022. In the month of December 2022 fishing is prohibited on Sundays, Mondays, and Tuesdays. In the month of December 2023, fishing is prohibited on Sundays and Mondays.~~
- B. Fishing is prohibited in the months of January ~~2023~~ and February 2024 ~~2023~~.
- C. In the month of March and April 2024 ~~2023~~, fishing is prohibited on Sundays, and Mondays, ~~Tuesdays, and Wednesdays.~~
- D. ~~In the month of April 2023, fishing is prohibited on Sundays, Mondays and Tuesdays.~~

3. Zone 2 season for draggers

The Atlantic Sea Scallop harvesting season in Maine's territorial waters for druggers in Zone 2 is open December 1, ~~2023~~ ~~2022~~ through March 27, 2024 ~~30, 2023~~, both days inclusive, with the following exceptions:

- A. In December ~~2023~~ ~~2022~~, fishing is prohibited on ~~Fridays~~, Saturdays and Sundays, except for Monday, December 25 and Friday, December 29, 2023, which shall remain closed. ~~16, 2022 which shall be open.~~
- B. In January ~~2023~~, February ~~2023~~, and March ~~2024~~ ~~2023~~, fishing is prohibited on Fridays, Saturdays and Sundays.

4. Zone 2 season for divers

The Atlantic Sea Scallop harvesting season in Maine's territorial waters for divers in Zone 2 is open November 16, 2023 ~~17, 2022~~ through April 20, 2024 ~~22, 2023~~, both days inclusive, with the following exceptions:

- A. In the month of November ~~2023~~ ~~2022~~, fishing is permitted on days 16, 17, 18, 19, 21, 22, 23, 24, 25 and 30, 2023 ~~26, 2022~~. December ~~2023~~ ~~2022~~, fishing is prohibited on Sundays, Mondays, Tuesdays and Wednesdays.
- B. In the month of January ~~2023~~, February ~~2023~~, March ~~2023~~ and April 2024 ~~2023~~ fishing is prohibited on Sundays, Mondays, Tuesdays, and Wednesdays.

5. Zone 2 State Waters season

The Atlantic Sea Scallop harvesting season in Maine's territorial waters around Machias Seal Island and North Rock is open December 1, ~~2023~~ ~~2022~~ through March 31, 2024 ~~2023~~, both days inclusive.

6. Zone 3 season for druggers

The Atlantic Sea Scallop harvesting season in Maine's territorial waters for druggers in Zone 3 is open December 4, 2023 ~~5, 2022~~ through March 27, 2024 ~~28, 2023~~, both days inclusive, with the following exceptions:

- A. Fishing is prohibited on Thursdays, Fridays, Saturdays and Sundays in the month of December ~~2023~~ ~~2022~~, and also Monday, December 25, 2023.

- B. Fishing is prohibited on Thursdays, Fridays, Saturdays and Sundays in the months of January 2023, February 2023 and March 2024 2023.

7. Zone 3 season for divers

The Atlantic Sea Scallop harvesting season in Maine's territorial waters for divers in Zone 3 is open December 7, 2023 ~~4, 2022~~ through March 30, 2024 ~~April 29, 2023~~, both days inclusive, with the following exceptions:

- A. Fishing is prohibited on Sundays, Mondays, Tuesdays and Wednesdays in the month of December 2023 2022, and also Thursday, December 28, 2023.
- B. Fishing is prohibited on Sundays, Mondays, Tuesdays and Wednesdays in the months of January 2023, February 2023 and March 2024.
- ~~C. Fishing is prohibited on all days in March, except for March 2, 3, 4, 9, 10 and 11, 2023. Fishing is prohibited on all days in April, except for April 1, 8, 15, 22 and 29, 2023.~~

11.12 ~~Ten (10) Year~~ Rotational Management Plan

All areas in the First Rotation as described in 11.12(1)(A) are open to all individuals issued a license under §6702 or 6302-A for scallop dragging only. ~~§6701 or 6302-A for scallop diving only.~~

All areas in the Second Rotation as described in 11.12(1)(B) are closed to harvest during the 2023-2024 scallop season. ~~open to individuals issued a license under §6702 or 6302-A for scallop dragging.~~

All areas in the Third Rotation as described in 11.12(1)(C) are open to individuals issued a license under §6701 or 6302-A for scallop diving only. ~~closed to harvest during the 2022-2023 scallop season.~~

1. Zone Two (2): Eastern Maine

A. First Rotation

All directions are relative to True North (not Magnetic unless specified as such).

Transiting exception:

Any vessel possessing scallops onboard, may transit these closed areas, only if the vessel has all fishing gear (dredges, drags) securely stowed. Securely stowed shall mean the main wire shall not be shackled or connected to the dredges or drags, and the towing swivel will be at block or on the winch.

(1) The Bold Coast

Eastern boundary: South and West of a line drawn from the international bridge that connects Lubec to Campobello Island, New Brunswick, Canada.

Western boundary: North and East of a line starting at the most western tip of Jim's Head in the town of Trescott and True south to the three mile limit.

(2) Little Kennebec/Englishman Bay:

Eastern boundary: South and West of a line starting at Bucks Head, Machiasport proceeding East to the southern end of Northwest Head on Cross Island then True South to the three mile limit.

Western boundary: East and South of a line starting at the most northeastern point of Great Head, Roque Island then northeast to the most southern end of Shoppee Point, Roque Bluffs and from the eastern tip of Great Spruce Island to the day board at East Black Rock 'RW Bn', and then True South to the three mile limit, including Roque Island harbor however not to include the Thoroughfare between Roque Island and Great Spruce Island.

(3) Addison

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

Western boundary: East and South of a line starting at Strout Point in the town of Milbridge to the most northern tip of Foster Island in the town of Milbridge then the most southeastern tip of Fosters Island to the most northern tip of Dyers Island; continuing from southern tip of Dyers Island to the most northwestern tip of Flint Island and the most southwestern tip of Flint Island then running True South to the three mile limit.

(4) Frenchman's Bay

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

Western boundary: East and North of a line starting at the most eastern end of Otter Point, Mount Desert Island continuing SE (135°) to the three mile limit at Latitude 44 16.080 N Longitude 68 07.919 W.

(5) Swan's Island

Eastern boundary: South and West of a line starting at Bass Harbor Head then in a southeast direction to the most easterly Point of Great Gott Island continuing on True South to the three mile limit.

Western boundary: East and South of a line from the southern most tip of Lopaus Point to the northern most point of Black Island; continuing from the western most tip of Black Island to the northern most tip of Swans Island Head, Swans Island; continuing South from West Point, Swans Island to Long Point, Marshall Island; then East of a line from the southwestern most tip of Lower Head, Marshall Island running True South to the three mile limit.

(6) Isle Au Haut Bay

Eastern boundary: South and West of a line starting at Moose Island, Deer Isle, to the western most point of Farrel Island, then True South to the three mile limit.

Western boundary: South of a line starting at the southern most point of Stinson Point, Deer Isle west to Mullen Head, North Haven; then East of a line starting at Fish Point, North Haven to Calder Wood Point on Calderwood Neck, Vinalhaven; continuing from the southern most point of Lane Island, Vinalhaven, True South to the three mile limit.

(7) Upper Penobscot Bay

Eastern boundary: Northwest of a line from Deer Isle bridge and the most southwestern point of Little Deer Isle to the most northern point of Pickering Island, then to the most eastern tip of Dark Harbor, Islesboro; continuing on from Grindel Point, Islesboro due West to the Sea Urchin Zone line at Latitude 44 16.913 N Longitude 68 58.508 W.

Western boundary: East of the Sea Urchin Zone Line.

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

Territorial waters surrounding Machias Seal Island and North Rock.

B. Second Rotation

All directions are relative to True North (not Magnetic unless specified as such).

Transiting exception:

Any vessel possessing scallops onboard, may transit these closed areas, only if the vessel has all fishing gear (dredges, drags) securely stowed. Securely stowed shall mean the main wire shall not be shackled or connected to the dredges or drags, and the towing swivel will be at block or on the winch.

(1) The Cutler Shore

Eastern boundary: South and West of a line starting at the most western tip of Jim's Head in the town of Trescott and South to the three mile limit.

Western boundary: North and East of a line drawn South from Western Head, Cutler to the three mile limit.

(2) Chandler Bay/Head Harbor Island

Eastern boundary: North and West a line starting at the most northeastern point of Great Head, Roque Island then northeast to the most southern end of Shoppee Point, Roque Bluffs and from the eastern tip of Great Spruce Island to the day board at East Black Rock 'RW Bn', and then True South to the three mile limit, including the Thoroughfare between Roque Island and Great Spruce Island.

Western boundary: East of the Jonesport Bridge then True South from the most Eastern tip of Little Pond Head to the three mile limit.

(3) Narraguagus/Pigeon Hill Bay

Eastern boundary: South and West of a line starting at Strout Point in the town of Milbridge to the most northern tip of Foster Island in the town of Milbridge then The most southeastern tip of Fosters Island to the most northern tip of Dyers Island; continuing from southern tip of Dyers Island to the most northwestern tip of Flint Island and the most southwestern tip of Flint Island then running True South to the three mile limit.

Western boundary: North and East of a line starting at the most southern tip of Petit Manan to EB gong, then South to the northern most tip of Green

Island; then from the southeastern top of Green Island to the northern tip of Petit Manan Island; then from the southern tip of Petit Manan Island to N"2", then to G"1" bell, then True South to the three mile limit.

(4) Cranberry Isle Area

Eastern boundary: South and West of a line starting at the most eastern end of Otter Point, Mount Desert Island continuing SE (135°) to the three mile limit at Latitude 44 16.080 N Longitude 68 07.919 W.

Western boundary: North and East of a line starting at Bass Harbor Head Light then in a southeast direction to the most easterly point on the eastern head of Great Gott Island continuing on True South to the three mile limit.

(5) Lower Blue Hill Bay/Jericho Bay

Eastern boundary: North and West of a line from the southern most tip of Lopaus Point to the northern most point of Black Island; continuing from the western most tip of Black Island to the northern most tip of Swans Island Head.

Western boundary: North and East of the line from the most southeastern point of Naskeag Point, Brooklin to the northern most tip of Swan's Island Head, Swan's-Island.

Northern boundary: South of a line drawn from the eastern most point of Harriman Point due East to the southern tip of Hardwood Island, then South to the northern tip of Moose Island, then from the southern tip of Moose Island East to Reed Point, Mount Desert Island.

(6) East Isle Au Haut Bay

Eastern boundary: West of a line from the eastern tip of Coles Head on Whitemore Neck, Deer Isle to the western most point of Millett Island, then South to Richs Point, Isle Au Haut; then from the southern tip of Eastern Head, Isle au Haut, True South to the three mile limit.

Western boundary: South and East of a line starting at Moose Island, Deer Isle, to the western most point of Farrel Island, then True South to the three mile limit

(7) Mid Penobscot Bay

Northern boundary: South of a line from the most northwestern point of Little Deer Isle to the most northern point of Pickering Island, then to the most eastern tip of Dark Harbor, Islesboro; continuing on from Grindel Point, Islesboro due

West to the Sea Urchin Zone line at Latitude Latitude 44 16.913 N Longitude 68 58.508 W.

Southern boundary: North of a line starting at the southern most point of Stinson Point, Deer Isle, West to Mullen Head, North Haven AND North of a line starting at Pulpit Rock, North Haven due West to the Sea Urchin Zone line at Latitude 44 09.551 N Longitude 69 01.510 W.

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

Territorial waters surrounding Machias Seal Island and North Rock.

C Third Rotation

All directions are relative to True North (not Magnetic unless specified as such).

Transiting exception:

Any vessel possessing scallops onboard, may transit these closed areas, only if the vessel has all fishing gear (dredges, drags) securely stowed. Securely stowed shall mean the main wire shall not be shackled or connected to the dredges or drags, and the towing swivel will be at block or on the winch.

(1) Machias Area

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

(2) Wohoa/Western Bay

Eastern boundary: West of the Jonesport Bridge then True South from the most Eastern tip of Little Pond Head to the three mile limit.

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

(3) Gouldsboro/Dyer Bay

Eastern boundary: South and West of a line starting at the most southern tip of Petit Manan to EB gong. then South to the northern most tip of Green Island; then from the southeastern top of Green Island to the northern tip of Petit Manan Island; then from the southern tip of Petit Manan Island to N"2"; then to G"1" bell; then True South to the three mile limit.

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

(4) Upper Blue Hill Bay/Union River

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

(5) Lower Jericho Bay

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

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

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

(6) Eggmoggin Reach/Southeast Harbor

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

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

(7) Lower Penobscot Bay & ~~Outer Islands~~

Northern/Western boundary: South of a line starting at Pulpit Rock, North Haven due West to the Sea Urchin Zone line at Latitude 44 09.551 N Longitude 69 01.510 W and continuing south along the Sea Urchin Zone line to Latitude 43 58.279 N Longitude 69 0.249 W at RW "TBI" Mo (A) WHIS, then running southeasterly to meet the three mile limit at intersection Latitude 43 57.629 N Longitude 68 58.991 W. ~~to the three mile limit, encompassing the territorial waters around all the outer islands of Penobscot Bay including Matinicus Island, Ragged Island, Wooden Ball Island, Seal Island and Matinicus Rock.~~

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

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

Territorial waters surrounding Machias Seal Island and North Rock.

Strike this Zone 1 drag calendar page:

PROPOSED CALENDAR
2022-2023 SCALLOP SEASON ZONE 1 DRAG
 60 days; 11 LAA days

Zone 1 Limited Access Area

Open

Closed

NOVEMBER 2022 **0 Days**

Su	Mo	Tu	We	Th	Fr	Sa
		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 2022 **12 Days**

Su	Mo	Tu	We	Th	Fr	Sa
				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 2023 **18 Days**

Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	18	20	21
22	23	24	25	26	27	28
29	30	31				

FEBRUARY 2023 **16 Days**

Su	Mo	Tu	We	Th	Fr	Sa
			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 2023 **14 Days**

Su	Mo	Tu	We	Th	Fr	Sa
			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	

APRIL 2023 **0 Days**

Su	Mo	Tu	We	Th	Fr	Sa
						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						

Strike this Zone 1 dive calendar page:

PROPOSED CALENDAR
2022-2023 SCALLOP SEASON ZONE 1 DIVE
60 days; 11 LAA days

Zone 1 Limited Access Area

Open

Closed

NOVEMBER 2022							10 Days
Su	Mo	Tu	We	Th	Fr	Sa	
		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 2022							19 Days
Su	Mo	Tu	We	Th	Fr	Sa	
				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 2023							0 Days
Su	Mo	Tu	We	Th	Fr	Sa	
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 2023							0 Days
Su	Mo	Tu	We	Th	Fr	Sa	
			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 2023							14 Days
Su	Mo	Tu	We	Th	Fr	Sa	
			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		

APRIL 2023							17 Days
Su	Mo	Tu	We	Th	Fr	Sa	
						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							

Strike this Zone 2 drag calendar page:

PROPOSED CALENDAR
2022-2023 SCALLOP SEASON ZONE 2 DRAG
 70 days; 13 LAA days

Zone 2 Limited Access Area

Open

Closed

NOVEMBER 2022 0 Days

Su	Mo	Tu	We	Th	Fr	Sa
		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 2022 18 Days

Su	Mo	Tu	We	Th	Fr	Sa
				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 2023 18 Days

Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	18	20	21
22	23	24	25	26	27	28
29	30	31				

FEBRUARY 2023 16 Days

Su	Mo	Tu	We	Th	Fr	Sa
			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 2023 18 Days

Su	Mo	Tu	We	Th	Fr	Sa
			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	

APRIL 2023 0 Days

Su	Mo	Tu	We	Th	Fr	Sa
						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						

Strike this Zone 2 dive calendar page:

PROPOSED CALENDAR
2022-2023 SCALLOP SEASON ZONE 2 DIVE
70 days

Open Closed

NOVEMBER 2022 7 Days						
Su	Mo	Tu	We	Th	Fr	Sa
		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 2022 15 Days						
Su	Mo	Tu	We	Th	Fr	Sa
				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 2023 12 Days						
Su	Mo	Tu	We	Th	Fr	Sa
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 2023 12 Days						
Su	Mo	Tu	We	Th	Fr	Sa
			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 2023 14 Days						
Su	Mo	Tu	We	Th	Fr	Sa
			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	

APRIL 2023 10 Days						
Su	Mo	Tu	We	Th	Fr	Sa
						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						

Strike this Zone 3 drag calendar page:

PROPOSED CALENDAR
2022-2023 SCALLOP SEASON ZONE 3 DRAG
 50 days; 16 LAA days

Zone 3 Limited Access Area

Open

Closed

NOVEMBER 2022 **0 Days**

Su	Mo	Tu	We	Th	Fr	Sa
		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 2022 **12 Days**

Su	Mo	Tu	We	Th	Fr	Sa
				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 2023 **14 Days**

Su	Mo	Tu	We	Th	Fr	Sa
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 2023 **12 Days**

Su	Mo	Tu	We	Th	Fr	Sa
			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 2023 **12 Days**

Su	Mo	Tu	We	Th	Fr	Sa
			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	

APRIL 2023 **0 Days**

Su	Mo	Tu	We	Th	Fr	Sa
						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						

Strike this Zone 3 dive calendar page:

PROPOSED CALENDAR
2022-2023 SCALLOP SEASON ZONE 3 DIVE
 50 days; 15 LAA days



Zone 3 Limited Access Area



Open



Closed

NOVEMBER 2022 **0 Days**

Su	Mo	Tu	We	Th	Fr	Sa
		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 2022 **15 Days**

Su	Mo	Tu	We	Th	Fr	Sa
				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 2023 **12 Days**

Su	Mo	Tu	We	Th	Fr	Sa
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 2023 **12 Days**

Su	Mo	Tu	We	Th	Fr	Sa
			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 2023 **6 Days**

Su	Mo	Tu	We	Th	Fr	Sa
			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	

APRIL 2023 **5 Days**

Su	Mo	Tu	We	Th	Fr	Sa
						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						

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

PROPOSED CALENDAR
2023-2024 SCALLOP SEASON ZONE 1 DRAG
60 days; 11 LAA days

Zone 1 Limited Access Area
 Open
 Closed

DECEMBER 2023 12 Days						
Su	Mo	Tu	We	Th	Fr	Sa
					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 2024 19 Days						
Su	Mo	Tu	We	Th	Fr	Sa
	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 2024 17 Days						
Su	Mo	Tu	We	Th	Fr	Sa
				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		

MARCH 2024 12 Days						
Su	Mo	Tu	We	Th	Fr	Sa
					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 dive calendar as if underlined (at the end of Ch. 11):

PROPOSED CALENDAR
2023-2024 SCALLOP SEASON ZONE 1 DIVE
60 days; 11 LAA days

Zone 1 Limited Access Area

Open

Closed

NOVEMBER 2023							0 Days
Su	Mo	Tu	We	Th	Fr	Sa	
			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 2023							20 Days
Su	Mo	Tu	We	Th	Fr	Sa	
					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 2024							0 Days
Su	Mo	Tu	We	Th	Fr	Sa	
	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 2024							0 Days
Su	Mo	Tu	We	Th	Fr	Sa	
				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			

MARCH 2024							20 Days
Su	Mo	Tu	We	Th	Fr	Sa	
					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							

APRIL 2024							20 Days
Su	Mo	Tu	We	Th	Fr	Sa	
	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					

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

PROPOSED CALENDAR
2023-2024 SCALLOP SEASON ZONE 2 DRAG
70 days

Open Closed

DECEMBER 2023 19 Days						
Su	Mo	Tu	We	Th	Fr	Sa
					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 2024 19 Days						
Su	Mo	Tu	We	Th	Fr	Sa
	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 2024 17 Days						
Su	Mo	Tu	We	Th	Fr	Sa
				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		

MARCH 2024 15 Days						
Su	Mo	Tu	We	Th	Fr	Sa
					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 dive calendar as if underlined (at the end of Ch. 11):

PROPOSED CALENDAR
2023-2024 SCALLOP SEASON ZONE 2 DIVE
70 days

Open Closed

NOVEMBER 2023 8 Days						
Su	Mo	Tu	We	Th	Fr	Sa
			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 2023 14 Days						
Su	Mo	Tu	We	Th	Fr	Sa
					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 2024 12 Days						
Su	Mo	Tu	We	Th	Fr	Sa
	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 2024 13 Days						
Su	Mo	Tu	We	Th	Fr	Sa
				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		

MARCH 2024 14 Days						
Su	Mo	Tu	We	Th	Fr	Sa
					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						

APRIL 2024 9 Days						
Su	Mo	Tu	We	Th	Fr	Sa
	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				

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

PROPOSED CALENDAR
2023-2024 SCALLOP SEASON ZONE 3 DRAG
50 days; 16 LAA days

Zone 3 Limited Access Area
 Open
 Closed

DECEMBER 2023 11 Days						
Su	Mo	Tu	We	Th	Fr	Sa
					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 2024 15 Days						
Su	Mo	Tu	We	Th	Fr	Sa
	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 2024 12 Days						
Su	Mo	Tu	We	Th	Fr	Sa
				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		

MARCH 2024 12 Days						
Su	Mo	Tu	We	Th	Fr	Sa
					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 3 dive calendar as if underlined (at the end of Ch. 11):

PROPOSED CALENDAR
2023-2024 SCALLOP SEASON ZONE 3 DIVE
50 days; 16 LAA days

Zone 3 Limited Access Area

Open

Closed

DECEMBER 2023 11 Days						
Su	Mo	Tu	We	Th	Fr	Sa
					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 2024 12 Days						
Su	Mo	Tu	We	Th	Fr	Sa
	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 2024 13 Days						
Su	Mo	Tu	We	Th	Fr	Sa
				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		

MARCH 2024 14 Days						
Su	Mo	Tu	We	Th	Fr	Sa
					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 rulemaking establishes the 2023-2024 scallop fishing season. Daily possession limits of 15 gallons for Zone 1 and Zone 2, and 10 gallons for Zone 3 remain unchanged. For Zone 1, a 60-day season for draggers begins on December 11, 2023 and the last day of the season is March 21, 2024. For Zone 1, a 60-day season for divers starts on December 5, 2023 and the last day of the season is April 27, 2024. For Zone 2, a 70-day season for draggers starts on December 1, 2023 and the last day of the season is March 27, 2024. For Zone 2, a 70-day season for divers starts on November 16, 2023 and the last day of the season is April 20, 2024. For Zone 3, a 50-day season for draggers begins on December 4, 2023 and the last day of the season is March 28, 2024. For Zone 3, a 50-day season for divers begins on December 7, 2023 and the last day of the season is March 30, 2024.

DMR is re-establishing limited access status for the Sheepscot and Damariscotta Rivers. DMR is maintaining existing Limited Access Areas: W. Casco Bay, Muscle Ridge, Whiting and Denny's Bays. Additionally, the following existing targeted closures based on depletion, high concentrations of seed/sublegal scallops and/or the presence of spat-producing scallops are maintained: Lower Muscle Ridge, Upper Sheepscot River, New Meadows River, Card Cove and Beals-Jonesport Bridge. Western Penobscot Bay is open for harvest based on Zone 1 harvest days.

Harvesting of scallops by hand (diving) is restricted to Rotation C (Third) only for the 2023-2024 season. Harvesting for scallops by dredge gear is restricted to Rotation A (First) only for the 2023-2024 season. Rotation B is closed to all harvest. A new juvenile conservation closure, Green Island/The Brothers, in the Englishmen's/Kennebec River Rotational Area in Zone 2 is established for the 2023-2024 season. This rulemaking also splits the Lower Penobscot Rotational Area, creating an annual open harvest based on Zone 2 calendars for state waters that surround Matinicus and outer islands in Zone 2. Lastly, this rulemaking allows scallop harvest to begin starting ½ hour before Augusta sunrise.

A correction was made to the text of the rule to include December 25, 2023 as a closed day in the Zone 2 season for draggers, to match the closure of that day in the Zone 2 calendar for draggers.

Summary of Comments

Notice of this proposed rulemaking appeared on September 13, 2023, in the five major daily newspapers as published by the Secretary of State. On September 13, 2023, the rule was posted on the DMR website, and electronic messages were sent to individuals who subscribe to DMR notices. Electronic notice was provided to scallop license holders, who provided the Department with an email address. A public hearing was held at 6:00 p.m. on October 5, 2023 at the DMR's Augusta office and remotely via Microsoft Teams. The comment period closed on October 16, 2023.

October 5, 2023: DMR's Augusta office and Remotely via Teams

In-person participants: Melissa Smith (DMR), Deirdre Gilbert (DMR), Colonel Matt Talbot (DMR) and Jeremy Alley (S. Thomaston). Remote participation included: Doug McLennan, Thomas McLennan, Shaun McLennan, James West, David Tarr, and Carl Huntsberger (DMR).

James West: I'm for this proposal. I really like the half an hour before sunrise, and I like the five days a week starting out in December for us.

Doug McLennan: I know you guys want to take 10 days away from us every year, but if you can give us new licenses and give us new people to compete with, if the Zone is in good enough shape for that, then it's good enough to have us have 70 days in the season, like everybody else. I want to thank you guys for doing the Matinicus thing. That's good for us, and the half hour before sunrise. I like that. I guess I like everything except the 60-day season, and not getting the price in December. And I don't like rotational management at all. Rotational management is not the way to go.

David Tarr: I agree with Doug in that they probably should get 70 days down there. I'm happy with the Zone 2 stuff, mostly the tweaks we made to the calendar. That will be interesting to see how that works out. I'm happy you guys did that, and you'll really make a lot of people happy with the half an hour before sunrise. That will help out a lot. You know, when we are trying to get to market in the afternoon and it really makes a difference how quick we can get there. It doesn't sound like a lot, but if they're trying to ship the product it is, so that's great. I would really like the Department to look at that Frenchboro cable area, and consider what Justin had put forth, because they (Marine Patrol) are able to enforce every other cable area in the state, I mean, including some offshore ones, so to say that they can't enforce that is not really valid, I don't think. That's a great lee down there and it probably ought to be open, but that's my opinion. But thanks for everything else.

Written Comments:

Doug McLennan, received via email, October 11, 2023

Dear Members of the Marine Resources Committee,

My Name is Douglas McLennan , and I am writing this letter looking for support from the committee for the changes in Zone 1 for the 2023 2024 scallop season. I have been to many scallop advisory meetings over the last several years , working with the members of the council to make changes in our season rules. This year the council has put forward some of the changes to be considered before you. The removal of Matinicus, and the offshore islands from the rolling closure program is something that needs to be done. This bottom is a ways offshore, and can only be reached on the best of weather days, and sees very little fishing pressure, because of its remote location. It would open up some bottom for local boats on days that could have a weather opening to get out there , and isn't needed to be closed in a rotational manner. The number of days people have fished there is almost none. It needs to be opened up, or put into Zone 1. The next item was the 70 day season. This would put the two zones that border each other on the same calendar. This 10 day less season was a rule put in place years ago when the Muscle Ridge area was seeing alot of activity, to reduce pressure, and was never meant to last for years, which it has been going on for at least 10 years. People will not need to travel to zone 2 for the first 10 days of the season if both zones open together, and the seasons calendars will be the same. Also, if the state is giving out licenses in zone 1 thru thr lottery, why is there a need to have a shortened season. The resource is healthy enough for more effort, it should be able to sustain the 70 day season. Next is 1/2 hour before daylight fishing time. This is

something standard in other fisheries and also hunting in the state of Maine. If you can carry a loaded weapon , it should be safe to go to work. Some days in the winter the first hours are the best window before the wind picks up. Once again, it puts us inline with the other fisheries. The last item is the LAA area west of Two Bush to Mosquito island. This was supposed to be sunset years ago, and the western part of this closure was removed 4 or 5 years ago. This is long overdue to stay inline with the western end of the closure. This was again something that was meant to curb effort in the Muscle Ridge area years ago when that area was seeing a lot of activity. I would really like to see the State of Maine do away with all closure lines. When the state adopted the rolling closure plan 13 years ago, it was supposed to be a 10 year plan. Well, covid messed it up some, but also we were told the DMR didn't have time to come up with a alternative plan, so we added another year. Now we are at status quo with the plan. After asking for it to be returned to an open fishery, we were told we would be given a 30 day season, even if we wanted a two year rotation of openings. Reporting shows that Zone 1 , which is a open zone, is on par, if not better than Zone 2 with the rotational management. The state doesn't want to go back to the old ways of an open fishery. What I have seen is a gold rush occurrence. When a area opens after being closed for a couple years, it sees a lot of boats, for one reason, its been closed, but also because when a place opens, two other areas are closed, putting the fleet in one area. This is not good management. That area sees a high rate of activity and a depletion of the resource is likely to take place. The areas that opened in the first rounds of the closures did exceptionally well, but in rounds 2, and 3, most zones didn't live up to the expectations of the state or the fishermen. To spread out the boats makes sense from a fisherman's point of view. When all the boats have to go to an assigned area, that is where they will be. This method of management is only popular with the DMR, and not the fishermen. We see it daily, and over the years have seen the results. Zone 1 remains open, as should zone 2. I do not speak for Zone 3, as they have their own fishery in their own area. I have asked for a questioner to be sent to all license holders on their perspective of the rotational management, but was told the DMR has no interest. We saw the results of even a two year rotation being explored. A 30 day season was offered, we chose to stay at 3 years, what else could you do. The experiment was supposed to have had a 10 year sunset we were told when Togue had it implemented. That never happened. This rotational management was an experiment , and has been difficult to manage, having all the fleet boxed into small areas is not good for the resource. The boats need to spread out, and get back to an open state. We used to start scalloping on November 1st, and go 7 days a week till April 15 th. We have bigger rings now to release the small scallops. Being shut down mid season doesnt make a good business plan from the fishermans perspective. Thank you for your time and consideration in my request. I can be reached by phone or e- mail if any members have any questions or interest in any discussion.

Department's Response:

Zone 1 Harvest Days

The 60 day calendar for Zone 1 was implemented for the 2015-2016 scallop season based on a recommendation by the Scallop Advisory Council (SAC) to the Department. The SAC also recommended several targeted area closures that season that they considered important for

additional conservation measures to assist in the recovery of the scallop resource in Zone 1. Since the 2015-2016 season, Zone 1 has not demonstrated any substantial increase in landings, remaining under 125,000 pounds landed per season (figure 1). While a few of the targeted closures and limited access area management restrictions have been lifted due to no signs of increased recruitment of scallops or improved levels of biomass, the shortened calendar remains in effect. There has been no positive indication that the scallop resource in Zone 1 could withstand additional effort and landings suggest the area could not support more than 70 vessels per season.

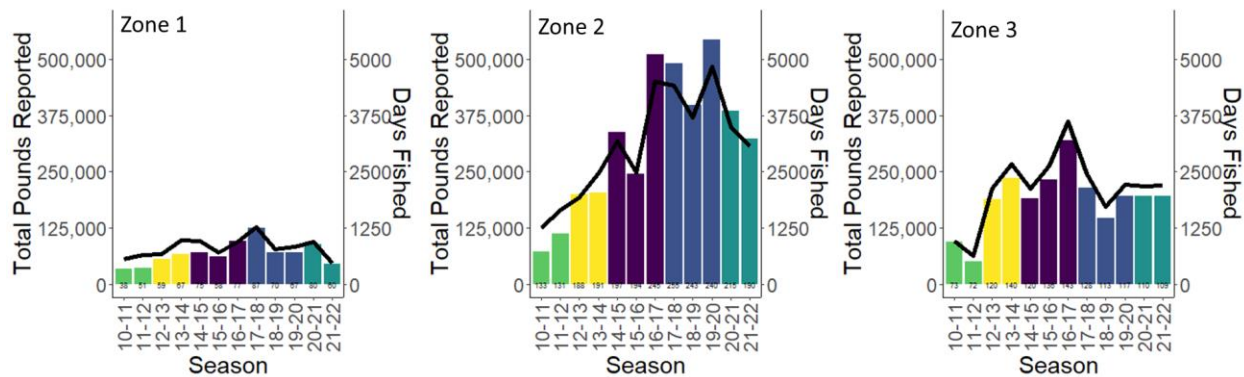


Figure 1: Scallop landings, by season for each zone 2010-2022. Bars represent pounds landed by season; black line is the number of total days fished by all active license holders per season.

Scallop Lottery

The current operations of the scallop license lottery are a 3:2 ratio for drag licenses (meaning that 3 licenses must be retired for 2 licenses to be issued) and 1:1 ratio for dive licenses. These ratios were recommended by the Scallop Advisory Council to balance the impact of any new licenses on the resource, with the opportunity for future access to this resource, which was generally agreed is important to maintain at some level. The vast majority of the landings in this fishery come from draggers, and as noted above, even with the lottery, the number of drag licenses is decreasing over time.

The number of active scallop draggers in Zone 1 has been approximately 70. It would be a far greater expansion of effort to provide all active Zone 1 draggers with an additional 10 days than the effort which is created through the issuance of new drag licenses (which again is a decrease from the number of drag licenses in the prior calendar year). For this reason, there is not a choice between holding the lottery or giving existing license holders an additional 10 days. Even if the lottery did not occur, there is no indication that the scallop resource can support an additional 10 days of effort in Zone 1.

Scallop Rotational Management

The state adopted a rotational management plan in 2012. Industry had taken a large role in the development of the harvest schedule and the implementation plan for the transition into rotational management. The schedule of rotations was drafted for a ten-year timeframe to allow for sufficient time for management to produce results and also to allow for an understanding of

“what would be open to harvest for next year”; it helped to develop a routine within the rotational plan. The purpose of the “sunset” after 10 years was to provide a point in time when the rotational management system could be evaluated, and a determination made regarding if and how it should be modified.

The Department initiated an evaluation of the rotational management plan (RMP), which included landings data from 2010 through to 2022, to allow for comparisons of harvest, effort and trends before the implementation of the RMP as well as comparisons among scallop zones. It was noted that Zone 2 observed an increase in total annual landings (see figure 1, above), the number of vessels from additional communities and also increased landings by individual license holders during the ten-year time frame. Please note that Zone 2, using rotational management, is able to support much greater landings, and a much greater number of fishing days, than Zone 1, even though only 1/3 of Zone 2 has been open each year under the RMP.

Frenchboro Cable Area Closure

The current configuration of the Frenchboro Cable Area closure was discussed during the 130th session of the Legislature following the introduction of a bill that would have allowed for the modification of the closure boundaries. The fundamental purpose of closing this area to dragging is to prevent disturbing the cable providing power to Frenchboro Long Island. Given that scallop dragging occurs in the wintertime, it is especially problematic if illegal activity disrupts electricity to an island community. The current boundary configuration for this area was created and implemented in the 1980s specifically to address enforceability issues and vulnerability for this remote offshore dragging closure which at that time, was being frequently poached. Expanding the area of this closure had an irrefutable impact on compliance as well as Marine Patrol’s ability to identify, apprehend, and prosecute violators of this prohibition. Maine Marine Patrol has consistently taken the position that the current configuration presents the best enforcement scenario. In addition, the Department sought input from Swans Island residents regarding any possible modifications to this area at the Swans Island Annual meeting in 2022, and Swans Island opposed any changes based on their historical experiences with impacts to the cable under prior configurations.

Rule-Making Fact Sheet

(5 M.R.S., §8057-A)

AGENCY: Department of Marine Resources

NAME, ADDRESS, PHONE NUMBER OF AGENCY CONTACT PERSON:

Deirdre Gilbert, Department of Marine Resources, 21 State House Station, Augusta, Maine 04333-0021 Telephone: (207) 624-6553; web address: <http://www.maine.gov/dmr/rulemaking/>

CHAPTER NUMBER AND RULE: Chapter 11 Scallops; 2023-2024 Season

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

Date, time and location of PUBLIC HEARING (*if any*): October 5, 2023 at 6:00 p.m. – DMR Conference Room 118, Marquardt Building, 32 Blossom lane, Augusta ME and remotely via Microsoft Teams. Remote access information is posted to <https://www.maine.gov/dmr/home> under meetings.

COMMENT DEADLINE: October 16, 2023

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

Scallop regulations must be updated for each new season to adjust the schedules and closure lines based on data from the previous season.

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 proposed rule-making establishes the 2023-2024 scallop fishing season. Daily possession limits of 15 gallons for Zone 1 and Zone 2, and 10 gallons for Zone 3 remain unchanged. For Zone 1, a 60-day season for druggers would begin on December 11, 2023 and the last day of the season would be March 21, 2024. For Zone 1, a 60-day season for divers would start on December 5, 2023 and the last day of the season would be April 27, 2024. For Zone 2, a 70-day season for druggers would start on December 1, 2023 and the last day of the season would be March 27, 2024. For Zone 2, a 70-day season for divers would start on November 16, 2023 and the last day of the season would be April 20, 2024. For Zone 3, a 50-day season for druggers would begin on December 4, 2023 and the last day of the season would be March 28, 2024. For Zone 3, a 50-day season for divers would begin on December 7, 2023 and the last day of the season would be March 30, 2024.

DMR proposes to re-establish limited access status for the Sheepscot and Damariscotta Rivers. DMR would maintain existing Limited Access Areas: W. Casco Bay, Muscle Ridge, Whiting and Denny's Bays. Additionally, the following existing targeted closures based on depletion, high concentrations of seed/sublegal scallops and/or the presence of spat-producing scallops would be maintained: Lower Muscle Ridge, Upper Sheepscot River, New Meadows River, Card Cove and Beals-Jonesport Bridge. Western Penobscot Bay would be open for harvest based on Zone 1 harvest days.

Harvesting of scallops by hand (diving) is restricted to Rotation C (Third) only for the 2023-2024 season. Harvesting for scallops by dredge gear is restricted to Rotation A (First) only for the 2023-2024 season. Rotation B is closed to all harvest. A new juvenile conservation closure, Green Island/The Brothers, in the Englishmen's/Kennebec River Rotational Area in Zone 2 is proposed for the 2023-2024 season. This rulemaking also proposes to split the Lower Penobscot Rotational Area, creating an annual open harvest based on Zone 2 calendars for state waters that surround Matinicus and outer islands in Zone 2. Lastly, this rule-making proposes to allow scallop harvest to begin starting ½ hour before Augusta sunrise.

BRIEF SUMMARY OF RELEVANT INFORMATION CONSIDERED DURING DEVELOPMENT OF THE RULE (including up to 3 primary sources relied upon) [*see* §§8057-A(1)(E) & 8063-B]

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

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

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

FOR EXISTING RULES WITH FISCAL IMPACT OF \$1 MILLION OR MORE, ALSO INCLUDE:

ECONOMIC IMPACT, WHETHER OR NOT QUANTIFIABLE IN MONETARY TERMS:

[see §8057-A(2)(A)]

INDIVIDUALS, MAJOR INTEREST GROUPS AND TYPES OF BUSINESSES AFFECTED AND HOW THEY WILL BE AFFECTED: [see §8057-A(2)(B)]

BENEFITS OF THE RULE: [see §8057-A(2)(C)]

Note: If necessary, additional pages may be used