

**NOTICE OF AGENCY RULE-MAKING ADOPTION**

**AGENCY:** Department of Marine Resources

**CHAPTER NUMBER AND TITLE:** Chapter 30.03 Taking of River Herring from Walker’s Brook

**CONCISE SUMMARY:**

In consideration of successful restoration efforts at Walker’s Pond in Brooksville, DMR has established a limited recreational fishery in Walker’s Brook. The rule authorizes the take of river herring from May 15<sup>th</sup> through June 5<sup>th</sup>. In accordance with existing regulations and statutes, individuals may take up to 25 river herring per day using hook and line or dip net. Although fishing is allowed in Walker’s Brook from May 15<sup>th</sup> through June 5<sup>th</sup>, the weekly closed periods still apply, so that fishing is prohibited from 6:00 am Thursday to 6:00 a.m. Sunday. The regulation does not expressly reference the method of take, daily limit, and weekly closed periods because these restrictions are already specified in other sections of DMR’s regulations and statutes.

**ADOPTED RULE NUMBER:**

(LEAVE BLANK-ASSIGNED BY SECRETARY OF STATE)

**EFFECTIVE DATE:**

(LEAVE BLANK-ASSIGNED BY SECRETARY OF STATE)

**AGENCY CONTACT PERSON:** Amanda Ellis (207) 624-6573  
**AGENCY NAME:** Department of Marine Resources  
**ADDRESS:** 21 State House Station  
 Augusta, Maine 04333  
**WEB SITE:** <http://www.maine.gov/dmr/rulemaking/>  
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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*

### 30.03 Taking of River Herring from Walker's Brook

Except from May 15 through June 5, it shall be unlawful for any person to take, in any manner, river herring from the waters of Walker's Brook, so-called, that runs between Walker's Pond and the Bagaduce River in the Town of Brooksville.

## Rule-Making Fact Sheet

(5 M.R.S., §8057-A)

AGENCY: Department of Marine Resources

NAME, ADDRESS, PHONE NUMBER OF AGENCY CONTACT PERSON:

Amanda Ellis, Department of Marine Resources, 21 State House Station, Augusta, Maine 04333-0021 Telephone: (207) 624-6573; web address: <http://www.maine.gov/dmr/rulemaking/>

CHAPTER NUMBER AND RULE: Chapter 30.03 Taking of River Herring from Walker's Brook

STATUTORY AUTHORITY: 12 MRSA §6171

DATE AND PLACE OF PUBLIC HEARING(S): None scheduled

COMMENT DEADLINE: February 12, 2021

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

In consideration of successful restoration efforts, this proposed rule will allow a limited recreational harvest of surplus river herring spawning stock. The proposed rule will provide opportunity for individuals to catch river herring for personal use.

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)]

The proposed rule is expected to provide a brief period of recreational harvest for river herring for personal use and increase fishing opportunity in the area.

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]:

DMR and partners developed this proposal based on the assessment and monitoring of the annual river herring run into Walkers Pond. The Department consulted with the Maine Center for Coastal Fisheries, and municipal officials from the towns of Brooksville and Sedgwick all of which unanimously supported this proposal.

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

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

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

*ECONOMIC IMPACT, WHETHER OR NOT QUANTIFIABLE IN MONETARY TERMS:*

*[see §8057-A(2)(A)]*

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

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

## **Basis Statement**

In consideration of successful restoration efforts at Walker's Pond in Brooksville, DMR has established a limited recreational fishery in Walker's Brook. The rule authorizes the take of river herring from May 15<sup>th</sup> through June 5<sup>th</sup>. In accordance with existing regulations and statutes, individuals may take up to 25 river herring per day using hook and line or dip net. Although fishing is allowed in Walker's Brook from May 15<sup>th</sup> through June 5<sup>th</sup>, the weekly closed periods still apply, so that fishing is prohibited from 6:00 am Thursday to 6:00 a.m. Sunday. The regulation does not expressly reference the method of take, daily limit, and weekly closed periods because these restrictions are already specified in other sections of DMR's regulations and statutes.

## **Summary of Comments**

On January 12, 2021, the rule was posted on the DMR website. Notice of the proposed rulemaking appeared on January 13, 2021 in the five major daily newspapers as published by the Secretary of State; and electronic messages were sent to individuals who subscribe to DMR notices. A public hearing was not held. The comment period closed February 12, 2021.

DMR did not receive any comments on this proposal.