

## Notice of Agency Rule-making Proposal

AGENCY: 13-188-Department of Marine Resources

CHAPTER NUMBER AND TITLE: Chapter 8 Landings Program Aquaculture Reporting

TYPE OF RULE (*check one*):       Routine Technical       Major Substantive

PROPOSED RULE NUMBER (*leave blank; to be assigned by Secretary of State*):

BRIEF SUMMARY: This proposed rule would create a trip-level monthly reporting requirement for persons holding an aquaculture license and growing any species other than finfish on an aquaculture lease or license site. Currently these individuals report annually to the DMR Aquaculture Program. This rule would change this reporting requirement to a standardized trip-level monthly report to the DMR Landings Program, consistent with harvester reporting in other Maine fisheries. The data elements for the monthly reporting requirement are specified in the proposed rule.

Date, time and location of PUBLIC HEARING (*if any*):

January 13, 2020 5:30 pm, DMR Offices, RM 118 Marquardt Building, 32 Blossom Lane, Augusta ME

January 15, 2020 5:30 pm, Ellsworth City Hall, Ellsworth ME

Snow date scheduled for January 17, 2020 2:30 pm, DMR Offices, RM 118 Marquardt Building, 32 Blossom Lane, Augusta ME

COMMENT DEADLINE: January 27, 2020

CONTACT PERSON FOR THIS FILING (*include name, mailing address, telephone, fax, TTY, e-mail*):

NAME: Amanda Ellis

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Hearing facilities: If you require accommodations due to disability, please contact Meredith Mendelson at 207-624-6553.

CONTACT PERSON FOR SMALL BUSINESS IMPACT STATEMENT (*if different*): Same

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES (*if any*): None

STATUTORY AUTHORITY FOR THIS RULE: 12 MRS 6173

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED (*if different*): Same

AGENCY WEBSITE: <http://www.maine.gov/dmr/rulemaking/>

E-MAIL FOR OVERALL AGENCY RULE-MAKING LIAISON: [dmr.rulemaking@maine.gov](mailto:dmr.rulemaking@maine.gov)

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\* Check one of the following two boxes.

X The summary provided above is for publication in both the newspaper and website notices.

The summary provided above is for the newspaper notice only. Title 5 §8053, sub-§5 & sub-§7, ¶D. A more detailed summary is attached for inclusion in the rule-making notice posted on the Secretary of State's website. Title 5 §8053, sub-§3, ¶D & sub-§6.

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

DEPARTMENT OF MARINE RESOURCES  
Chapter 8 Landings Program

8.20 Harvester Reporting

- A. Green Crabs (repealed)
- B. Sea Cucumber (previously Chapter 27.03(F))

Each holder of a sea cucumber endorsement is required to report fishing activity and landings on forms supplied by the Department. Reporting is required on a daily basis and must be mailed to the Department weekly. No fishing activity will be reported as "did not fish" on the forms. The reports must include the following information:

1. Location or locations of fishing activity by longitude and latitude
2. Date(s) fished
3. Time at sea
4. Time fished
5. Catch in pounds or totes
6. Number of tows
7. Port of landings
8. Name of buyer and date of sale
9. Price in pounds or totes
10. Approximate depth(s) where fishing occurred
11. Length of tows in minutes

- C. Seaweed (previously Chapter 29.10)

Each seaweed harvester required to be licensed under 12 MRS §6803 must report harvesting activity for all seaweed species on forms supplied by the Department. Records must be kept on a daily basis, and the report must be mailed to the Department monthly. Reports for each month's activity shall be mailed to the Department within 10 days of the end of the month. The report must include the following information for each day that harvesting occurs:

1. Name, permit number and phone number of licensed harvester;
2. Date(s) harvested;
3. Harvest area (sector # - where applicable, bay, cove, river, ledge and or island);
4. County and town (use town codes provided, per instructions);
5. Harvesting methods (hand, knife, rake, mechanical, diver);
6. Total harvest time (number of hours);
7. Seaweed species; and
8. Pounds landed (wet).

- D. Horseshoe Crabs (previously Chapter 31.05(A))

Holders of a horseshoe crab permit must report annually by November 1 to the Department on the total number of horseshoe crabs harvested, along with such other information as the Commissioner deems necessary for the conservation and management of the horseshoe crab resource.

- E. Eel Harvest (previously Chapter 32.04)

Any person holding an eel harvesting license is required to report fishing activity and landings on forms supplied by the Department. Reporting is required on a daily basis and must be mailed to the Department monthly. No fishing activity will be reported as "did not fish" on the forms. The reports must include the following information:

1. Harvester name, year of harvest, license number, and phone number;
2. Date(s) harvested;
3. Gear type and quantity;
4. Set time (hours);
5. Species
6. Total weight (pounds or kilograms) of harvested eels for the set time;
7. Disposition of catch (food or bait);
8. Port landed;
9. Dealer sold to; and
10. Area fished (river; embayment; offshore bycatch)

The data will be summarized by the Department and will be made available on request to the public 45 days after the receipt of the data forms in accordance with the confidentiality provision of 12 M.R.S. §6173.

F. Atlantic halibut (previously in Chapter 34.10(1)(B)(4)(b)(vi))

Persons who obtain an Atlantic halibut endorsement will be required to maintain a log. The log must include the following information:

1. Harvester name & landings number
2. Boat name and hull ID
3. Designate negative report period if no harvesting activity occurred
4. Date fished & landed
5. Number of crew (including captain)
6. Gear type & quantity
7. Number of sets
8. Set time (hours gear fished)
- 8-A. Total number of hooks fished
9. Depth (in fathoms)
10. Area fished (Latitude/Longitude)
11. Sea time (including steaming time)
12. Species caught including bycatch and sub-legal halibut, quantity & unit of measurement
13. Total length of halibut retained or released
14. Research tag number of halibut released or recaptured
15. Landings number of dealer sold to or if not sold to a licensed dealer, disposition of catch.
16. Port landed
17. Signature written or electronic

G. Intentionally blank

H. Intentionally blank

I. Shrimp (previously Chapter 45.24)

All Maine licensed shrimp harvesters must report daily fishing information for shrimp that are landed in Maine, to the Department, according to written instructions on forms provided by the Department. Fishing vessel trip reports must include the following information:

1. vessel name;
2. vessel state registration number (or United States Coast Guard Documentation Number);
3. vessel permit number;
4. date/time sailed;
5. trip type;
6. number of crew;

7. gear fished;
8. mesh size;
9. quantity and size of gear;
10. chart area fished;
11. average depth;
12. latitude/longitude;
13. total hauls per area fished;
14. average tow/soak time;
15. pounds by species of all species landed or discarded;
16. dealer permit number;
17. dealer name;
18. date sold;
19. port and state landed;
20. date/time landed;
21. vessel operator's name;
22. signature;
23. shrimp license number; and
24. any other information or instructions deemed necessary.

J. Shellfish Bait Permit (previously in Chapter 49)

All shellfish bait permit holders are required to provide the Department the following information on forms supplied by the Department:

1. Daily record of sales;
2. Record of closed areas fished;
3. Ports landed; and
4. Daily record of clams harvested by shucked weight.

K. Intentionally blank

L. Elver Harvest

Any person holding an elver harvesting license is required to report fishing activity and landings on forms supplied by the Department. Reporting is required on a daily basis and must be mailed to the Department monthly. No fishing activity will be reported as "did not fish" on the forms. The reports must include the following information:

1. Harvester name, year of harvest, license number, and phone number;
2. Date(s) harvested;
3. Gear type and quantity;
4. Set time (hours);
5. Species;
6. Total weight (pounds or kilograms) of harvested eels for the set time;
7. Port landed;
8. Dealer sold to; and
9. Area fished (river; embayment; offshore bycatch).

M. Intentionally blank

N. Lobster Harvest

- A. Ten percent of the lobster and crab fishing license holders, except lobster apprentices, during a given calendar year will be randomly selected to report the listed data elements for the following calendar year with the exception that all (100%) of lobster and crab fishing license holders, except lobster apprentices, of the Monhegan Island Lobster Conservation Area must

report each year. With the exception of lobster and crab fishing license holders of the Monhegan Island Lobster Conservation Area, no individual can be selected to report in two consecutive years.

Any person that holds a Class I, II, or III, student or noncommercial lobster and crab fishing license issued under 12 M.R.S §6421(A, B, C, E, F and G) and is selected for reporting must report trip level fishing activity on forms supplied by the Department. The following data elements must be reported to the DMR on approved paper forms or through approved electronic reporting mechanisms:

1. Harvester name (as it appears on the harvesting license) and license number
2. Boat name and hull ID
3. Designate negative report period if no harvesting activity occurred
4. Date fished
5. Number of crew
6. Gear type and number of traps hauled
7. Set time (hours the gear soaked)
8. Total gear in water
9. Depth
10. Primary Statistical area, lobster zone and 10-minute square where gear hauled this trip was fished
11. Sea time (including travel)
12. Pounds of species landed
13. License of dealer sold to or if not sold to a licensed dealer, disposition of catch and whether catch was carried
14. Port landed
15. Signature, written or electronic
16. Number of strings hauled. For purposes of this section, a string means a single trap or multiple traps connected by a groundline.
17. Number of endlines-Count of total endlines in the water

B. All data sent to DMR must be legible, coherent and in conformance with DMR specified standards.

O. Scallop Harvest

Any person that holds a scallop (hand fishing) license, scallop boat license, or noncommercial scallop license issued under 12 M.R.S §6701, §6702 or §6703 must report trip level fishing activity on forms supplied by the Department. The following data elements must be reported to the DMR on approved paper forms or through approved electronic reporting mechanisms:

1. Harvester name (as it appears on the harvesting license) and license number
2. Boat name and hull ID
3. Designate negative report period if no harvesting activity occurred
4. Date fished & landed
5. Number of crew (including captain)
6. Gear type and quantity
7. Number of sets/tows/dives
8. Set time (average time fished per set/tow or average dive time)
9. Average depth
10. Latitude/longitude
11. Sea time (including travel)
12. Pounds of species landed
13. License of dealer sold to, or if not sold to a licensed dealer, disposition of catch and whether catch was carried
14. Port landed
15. Signature, written or electronic

P. Urchin Harvest

Any person that holds a handfishing sea urchin license, sea urchin hand-raking and trapping license or sea urchin dragger license (12 M.R.S. §6748, §6748-A or §6748-D) must report detailed trip and area level fishing activity on forms supplied by the Department. The following data elements must be reported to the DMR on approved paper forms or through approved electronic reporting mechanisms:

1. Harvester name (as it appears on the harvesting license) and license number
2. Boat name and hull ID
3. Designate negative report period if no harvesting activity occurred
4. Date fished & landed
5. Number of crew (including captain and all divers)
6. Gear type
7. Number of sets/tows/dives
8. Set time (average time fished per set/tow or average dive time)
9. Type of habitat
10. Average depth
11. Latitude/longitude
12. Sea time (including travel)
13. Pounds of urchins landed
14. License number of dealer sold to
15. Port landed
16. Signature, written or electronic

Q. Pelagic and Anadromous Fishing Harvest

Any person who holds a Commercial Pelagic and Anadromous Fishing License issued under 12 M.R.S. §6502-A must report trip level fishing activity on forms supplied by the Department. The following data elements must be reported to the DMR on approved paper forms or through approved electronic reporting mechanisms:

1. Harvester name (as it appears on the harvesting license) and landings number
2. Boat name and state vessel registration number or Coast Guard number (if a boat was used)
3. Designate negative report period if no harvesting activity occurred
4. Date fished & landed
5. Number of crew (including captain)
6. Gear type and quantity
7. Number of sets/tows
8. Set time (the average time your gear fished)
9. Average depth
10. Latitude and longitude
11. Sea time (including travel)
12. Pounds by species of all species caught (including discards)
13. Landings number of dealer sold to, or if not sold to a licensed dealer, disposition of catch and whether catch was carried
14. Port landed
15. Signature written or electronic

R. Herring Harvester

Any person that holds a Commercial Pelagic and Anadromous Fishing License issued under 12 M.R.S. §6502-A and a Herring Harvester Permit under that license must submit weekly catch reports. Catches from fixed gear must be included in these reports. Any person that holds more than one Commercial Pelagic and Anadromous Fishing License with the IVR Herring Harvester

Permit must report for each license they hold. Reports are required even if the herring caught during the week have not been landed. The report shall include the following data elements:

1. Reporting week number
2. Negative reporting period if no harvesting activity occurred
3. Total pounds kept
4. Total pounds discarded
5. Federal fishery management area where the fish were caught

The reporting week begins Sunday at 0001 hrs (12:01 am) and ends Saturday at 2400 hrs (midnight). Weekly Atlantic herring catch reports must be submitted by midnight Tuesday for the previous week. The weekly report does not exempt the license holder from their Commercial Pelagic and Anadromous Fishing license report (in section P above). Atlantic herring reports are not required from Atlantic herring carrier vessels.

S. Aquaculture License Holder

Any person that holds an Aquaculture License issued under 12 MRS 6810-B and is authorized to grow any species other than finfish on a lease issued under 12 MRS 6072, 6072-A or 6072-B or a license issued under 12 MRS 6072-C must report trip level harvesting activity to the Department. The following data elements must be reported to the DMR on approved paper forms or through approved electronic reporting mechanisms:

1. Harvester name (as it appears on the aquaculture license)
2. Landings number
3. Designate negative report period if no harvesting activity occurred
4. Year of report
5. Month of report
6. Number of crew (including captain)
7. Gear type and quantity
8. LPA or Site ID
9. Species
10. Quantity
11. Quantity Unit
12. Price (Average)
13. Price Unit
14. Landings number of dealer sold to, or if not sold to a licensed dealer, the disposition of the harvest
15. Port landed
16. Signature, written or electronic

## 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 8 Landings Program

STATUTORY AUTHORITY: 12 MRS 6173

DATE AND PLACE OF PUBLIC HEARING(S):

January 13, 2020 5:30 pm, DMR Offices, RM 118 Marquardt Building, 32 Blossom Lane, Augusta ME

January 15, 2020 5:30 pm, Ellsworth City Hall, Ellsworth ME

Snow date scheduled for January 17, 2020 2:30 pm, DMR Offices, RM 118 Marquardt Building, 32 Blossom Lane, Augusta ME

COMMENT DEADLINE: January 27, 2020

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

The principal reason for proposing this rule is to improve the accuracy and timeliness of the reporting of aquaculture harvesting information for all species other than finfish and to consolidate the collection of harvesting information in the Landings Program. Finfish aquaculture reporting will remain with the Aquaculture Division, as the annual reports provide information that cannot be collected through the Landings Program.

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)]

The rule is expected to result in persons holding aquaculture licenses reporting trip level harvesting activity on a monthly basis for all species other than finfish.

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 Department staff from the Aquaculture Division, the Landings Program, and the Aquaculture Advisory Council.

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 Landings Program staff will process the reports collected.

***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)]*