

NOTICE OF AGENCY RULE-MAKING ADOPTION

AGENCY: Department of Marine Resources

CHAPTER NUMBER AND TITLE: Chapter 26 Sea Urchin Regulations and 2015-2016 Harvesting Season; Chapter 8 Landings Program

ADOPTED RULE NUMBER:

CONCISE SUMMARY:

This regulation establishes season limits for the taking of sea urchins by divers, rakers, trappers, and draggers in Zones 1 and 2 during the 2015-2016 season. It also establishes the requirements for urchin harvesters and dealers to use an electronic reporting system ("swipe card system") to record all transactions in which urchins are bought or sold.

For Zone 1, a 15-day season is established for divers, trappers, rakers and draggers in 2015-2016, which is the same number of days as in the 2014-2015 season. The Sea Urchin Zone Council recommended the selection of these particular days. Divers, rakers and trappers may fish 15 days in September ("early season"), or 15 days in December ("late season"); and draggers in December and January ("early season"), or February and March ("late season").

For Zone 2, a 38-day season is established for divers, trappers, rakers and draggers in 2015-2016, which is the same number of days as in the 2014-2015 season. The Sea Urchin Zone Council recommended the selection of these particular days. Divers, rakers and trappers may fish 38 days in October through December ("early season"), or 38 days in December through March ("late season"); and draggers would have 38 days in October through March ("early season") or December through March ("late season").

For the Whiting & Dennys Bays Limited Access Area in Zone 2, a 9-day season is established for Zone 2 divers, trappers, rakers and draggers in 2015-2016, which is the same number of days as the season in 2014-2015. Zone 2 divers, rakers and trappers may fish 9 days in November and December ("early season"), or 9 days in December and March ("late season"); both early and late season Zone 2 draggers would have 9 days in December and March. The Sea Urchin Zone Council recommended the selection of these particular days with exception of December 15 for the early dive season and December 8, 23 and 29 for the late drag season which were chosen for consistency with the 38 day calendars.

As authorized by 12 M.R.S. § 6171, the Commissioner of Marine Resources adopts this regulation.

EFFECTIVE DATE: August 8, 2015

AGENCY CONTACT PERSON: Trisha Cheney (207) 624-6554
AGENCY NAME: Department of Marine Resources
ADDRESS: 21 State House Station
Augusta, Maine 04333
WEB SITE: <http://www.maine.gov/dmr/rulemaking/>
E-MAIL: dmr.rulemaking@maine.gov
TELEPHONE: (207) 624-6576
TTY: (711) Maine Relay

DEPARTMENT OF MARINE RESOURCES

Chapter 26 - Sea Urchin Regulations

26.07 Sea Urchin Harvesting Season-~~2014-2015~~ 2015-2016 pursuant to 12 M.R.S. §6749

1. Zone 1 [as defined by 12 M.R.S. §6749-N(1)]

A. Early season for divers, trappers and rakers

The Zone 1 season for divers, trappers and rakers who have certified the early season on forms provided by the Commissioner, is open ~~September 1, 2, 3, 4, 8, 9, 10, 15, 16, 17, 22, 23, and 24, and October 1 and 2, 2014. 1, 2, 3, 8, 9, 10, 14, 15, 17, 18, 22, 23, 24, 28, and 29, 2015.~~

B. Late season for divers, trappers and rakers

The Zone 1 season for divers, trappers and rakers who have certified the late season on forms provided by the Commissioner, is open ~~December 4, 5, 8, 9, 11, 12, 15, 16, 18, 19, 22, 23, 29, 30, and 31, 2014. 2, 3, 4, 7, 8, 10, 11, 14, 15, 17, 18, 21, 22, 29, and 30, 2015.~~

C. Early season for draggers [in accordance with 12 M.R.S. §6749-V]

The Zone 1 season for draggers who have certified the early season on forms provided by the Commissioner, is open ~~December 15, 16, 17, 22, 23, 24, 29, 30, and 31, 2014, 14, 15, 16, 21, 22, 23, 28, 29, 30, 2015, and January 5, 6, 8, 12, 13, and 15, 2015. 4, 5, 6, 11, 12, and 13, 2016.~~

D. Late season for draggers [in accordance with 12 M.R.S. §6749-V]

The Zone 1 season for draggers who have certified the late season on forms provided by the Commissioner, is open ~~February 9, 10, 16, 17, 23, and 24, 8, 9, 15, 16, 22, 23, and 29, and March 2, 3, 5, 9, 10, 12, 16, 17, and 19, 2015. 1, 3, 7, 8, 10, 14, 15, and 17, 2016.~~

E. Designation of Zone 1 early or late season:

- (1) A person who holds a sea urchin harvesting license for Zone 1 may not harvest sea urchins in Zone 1 unless that person certifies on forms provided by the Commissioner that the person will fish for or take sea urchins during either the early season or the late season.
- (2) Divers, trappers and rakers who have certified the early or late season may, between May 1st and August 15th change that certification to the other time period as the time period in which that person will fish for or take sea urchins.
- (3) Draggers who have certified the early or late season may, between May 1st and November 15th change that certification to the other time period as the time period in which that person will fish for or take sea urchins.

2. Zone 2 [as defined by 12 M.R.S. §6749-N(2)]

A. Early season for divers, trappers and rakers

The Zone 2 season for divers, trappers and rakers who have certified the early season on forms provided by the Commissioner, is open ~~September 29 and 30, Mondays, Tuesdays and Wednesdays in the months of October and November, except October 1 and November 12 and 26 are closed; and open Mondays and Tuesdays in December, plus December 3, 17, 18, and 24, 2014. Mondays, Tuesdays, and Wednesdays in October, 2015, plus October 1 and 2, and Mondays and Tuesdays in November and December 2015, except November 30 is closed, plus November 4 and 18 and December 2, 3, 16, 17, and 23 are open.~~

B. Early season for draggers

The Zone 2 season for draggers who have certified the early season on forms provided by the Commissioner, is open ~~Wednesdays and Thursdays in October 2014 plus October 3 and 10, Thursdays and Fridays in November and December, 2014, except December 25 is closed and December 23, 27, and 31 are open, and Thursdays and Fridays in March, 2015. October, November, and December 2015, except November 26 and December 24 are closed, plus October 2 and 6, November 27, 2015, and February 16, 17, 18, and 25, and March 2, 3, 9, 10, 16, and 17, 2016 are open.~~

C. Late season for divers, trappers and rakers

The Zone 2 season for divers, trappers and rakers who have certified the late season on forms provided by the Commissioner, is open ~~December 8, 9, 10, 15, 16, 17, 18, 22, 23, 29, 30, and 31, 2014, and January 5, 6, 7, 12, 13, 14, 19, 20, 26, and 27, February 2, 3, 9, 10, 23, 24, and 25, and March 2, 3, 4, 9, 10, 11, 16, 17, and 18, 2015. December 7, 8, 9, 14, 15, 16, 17, 21, 22, 23, 28, and 29, 2015, Mondays, Tuesdays, and Wednesdays in January 2016 except January 13 is closed, plus February 1, 2, 8, 9, 22, 23, and 29, and March 1, 2, 7, 8, 9, 14, 15, and 16, 2016 are open.~~

D. Late season for draggers

The Zone 2 season for draggers who have certified the late season on forms provided by the Commissioner, is open ~~December 4, 5, 11, 12, 18, 19, 22, 23, 29, and 30, 2014, and January 8, 9, 15, 16, 21, 22, 23, 28, 29, and 30, February 4, 5, 6, 11, 12, 13, 19, 20, 26, and 27, and Thursdays and Fridays in March, 2015. December 7, 8, 9, 14, 15, 16, 17, 21, 22, 23, 28, and 29, 2015, Mondays, Tuesdays, and Wednesdays in January 2016 except January 13 is closed, plus February 1, 2, 8, 9, 22, 23, and 29, and March 1, 2, 7, 8, 9, 14, 15, 16, 2016 are open.~~

E. Designation of Zone 2 early or late season:

- (1) A person who holds a sea urchin harvesting license for Zone 2 may not harvest sea urchins in Zone 2 unless that person certifies on forms provided by the Commissioner that the person will fish for or take sea urchins during either the early season or the late season.
- (2) A person who has certified the early or late season may, between May 1st and September 15th change that certification to the other time period as the time period in which that person will fish for or take sea urchins.

26.19 Limited Access Areas:

Transiting exception:

Any vessel possessing urchins onboard, may transit the Limited Access Area, 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 the 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) Whiting and Denny's Bay Area:

A. Early season for divers, trappers and rakers

It shall be unlawful to fish for, take, or possess 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 and Denny's Bay except by divers, trappers, and rakers who have certified the early season on forms provided by the Commissioner, on Mondays in November and December, ~~2014~~ 2015, except November 30, 2015 is closed and December 15, 2015 is open.

B. Early season for draggers

It shall be unlawful to fish for, take, or possess 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 and Denny's Bay except by draggers who have certified the early season on forms provided by the Commissioner, ~~on December 2, 4, 9, 16, 18, 23, 26, 27 and 30, 2013, 2, 3, 9, 10, 16, and 17, 2015, and March 2, 9, and 16, 2016.~~

C. Late season for divers, trappers and rakers

It shall be unlawful to fish for, take, or possess 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 and Denny's Bay except by divers, trappers and rakers who have certified the early season on forms provided by the Commissioner on ~~December 4, 5, 11, 12, 18, and 19, 2014, 7, 14, 15, 21, 22, and 28, 2015 and March 5, 6, and 12, 2016.~~ 1, 8, and 15, 2016.

D. Late season for draggers

It shall be unlawful to fish for, take, or possess 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 and Denny's Bay except by draggers who have certified the late season on forms provided by the Commissioner, ~~on December 8, 15, 16, 22, 23, 29 2014 8, 9, 16, 17, 23, and 29, 2015, and March 3, 10, and 17, 2015 2, 9, and 16, 2016.~~

26.50 Urchin Transaction Cards

1. **Eligibility.** In order to be eligible for an urchin transaction card, an individual must be licensed according to 12 M.R.S. §6748, 6748-A, 6748-D, or 6302-A subsection 3 paragraph B. Valid transaction cards may only be issued by the Department of Marine Resources.
2. **Harvester Use.** It is unlawful for an individual licensed under 12 M.R.S. §6748, 6748-A, 6748-D, or 6302-A subsection 3 paragraph B to sell or transfer urchins the license holder has taken to a person licensed under 12 M.R.S. §6851 subsection 2-B or subsection 2-C, unless the harvester presents a DMR-issued transaction card to the urchin buyer or processor during each transaction.

3. **Dealer Use.** It is unlawful for a person licensed under 12 M.R.S. §6851 subsection 2-B or subsection 2-C to purchase or transfer urchins from an individual licensed under 12 M.R.S. §6748, 6748-A, 6748-D, or 6302-A subsection 3 paragraph B, without recording the transaction using the electronic recording device specified by the Department for that purpose. DMR provided reporting software must be synchronized for updates to the reporting system prior to the purchase of urchins on each fishing day. A person licensed under 12 M.R.S. §6851 subsection 2-B or subsection 2-C may not purchase urchins from a harvester that does not present an urchin transaction card. In the event of any failure of the reporting software or equipment, the Commissioner may authorize the use of paper reports until such time as the system is operational.

4. **Records required.** A person licensed in accordance with 12 M.R.S. §6851 subsection 2-B or subsection 2-C shall maintain transaction card documentation to account for all urchins in their possession. Any urchins legally obtained from other jurisdictions must have sufficient documentation to demonstrate their origin. Failure to provide proper documentation will be prima facie evidence that the urchins are illegal and are subject to seizure.

Strike this Zone 1 Calendar page:

2014 - 2015 Sea Urchin Season for Maine Zone 1

= Open = Closed

Early Season for Divers, Rakers and Trappers

Late Season for Divers, Rakers and Trappers

September 2014						
S	M	Tu	W	Th	F	S
	1 O	2 O	3 O	4 O	5	6
7	8 O	9 O	10 O	11	12	13
14	15 O	16 O	17 O	18	19	20
21	22 O	23 O	24 O	25	26	27
28	29	30				

October 2014						
S	M	Tu	W	Th	F	S
			1 O	2 O	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	

December 2014						
S	M	Tu	W	Th	F	S
	1	2	3	4 O	5 O	6
7	8 O	9 O	10	11 O	12 O	13
14	15 O	16 O	17	18 O	19 O	20
21	22 O	23 O	24	25	26	27
28	29 O	30 O	31 O			

Early Season for Draggers

December 2014						
S	M	Tu	W	Th	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15 O	16 O	17 O	18	19	20
21	22 O	23 O	24 O	25	26	27
28	29 O	30 O	31 O			

January 2015						
S	M	Tu	W	Th	F	S
				1	2	3
4	5 O	6 O	7	8 O	9	10
11	12 O	13 O	14	15 O	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

Late Season for Draggers

February 2015						
S	M	Tu	W	Th	F	S
1	2	3	4	5	6	7
8	9 O	10 O	11	12	13	14
15	16 O	17 O	18	19	20	21
22	23 O	24 O	25	26	27	28

March 2015						
S	M	Tu	W	Th	F	S
1	2 O	3 O	4	5 O	6	7
8	9 O	10 O	11	12 O	13	14
15	16 O	17 O	18	19 O	20	21
22	23	24	25	26	27	28
29	30	31				

**Strike this Zone 2 Whiting & Denny's Bay Limited Access Area Calendar page:
2014 - 2015 Sea Urchin Season for Maine Zone 2
Whiting and Denny's Bay Limited Access Area**

○ = Open □ = Closed

Early Season for Divers, Rakers and Trappers

September 2014

S	M	Tu	W	Th	F	S
	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				

October 2014

S	M	Tu	W	Th	F	S
			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	

November 2014

S	M	Tu	W	Th	F	S
						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 2014

S	M	Tu	W	Th	F	S
	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			

Late Season for Divers, Rakers and Trappers

December 2014

S	M	Tu	W	Th	F	S
	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 2015

S	M	Tu	W	Th	F	S
				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 2015

S	M	Tu	W	Th	F	S
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 2015

S	M	Tu	W	Th	F	S
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				

Early Season for Draggers

October 2014

S	M	Tu	W	Th	F	S
			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	

November 2014

S	M	Tu	W	Th	F	S
						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 2014

S	M	Tu	W	Th	F	S
	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			

March 2015

S	M	Tu	W	Th	F	S
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				

Late Season for Draggers

December 2014

S	M	Tu	W	Th	F	S
	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 2015

S	M	Tu	W	Th	F	S
				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 2015

S	M	Tu	W	Th	F	S
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 2015

S	M	Tu	W	Th	F	S
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 calendar as if underlined (at the end of Ch. 26):

Proposed 2015 - 2016 Sea Urchin Season for Maine Zone 1

= Open

= Closed

Early Season for Divers, Rakers and Trappers

September 2015						
S	M	Tu	W	Th	F	S
		1 O	2 O	3 O	4	5
6	7	8 O	9 O	10 O	11	12
13	14 O	15 O	16	17 O	18 O	19
20	21	22 O	23 O	24 O	25	26
27	28 O	29 O	30			

Late Season for Divers, Rakers and Trappers

December 2015						
S	M	Tu	W	Th	F	S
		1	2 O	3 O	4 O	5
6	7 O	8 O	9	10 O	11 O	12
13	14 O	15 O	16	17 O	18 O	19
20	21 O	22 O	23	24	25	26
27	28	29 O	30 O	31		

Early Season for Draggers

December 2015						
S	M	Tu	W	Th	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14 O	15 O	16 O	17	18	19
20	21 O	22 O	23 O	24	25	26
27	28 O	29 O	30 O	31		

January 2016						
S	M	Tu	W	Th	F	S
					1	2
3	4 O	5 O	6 O	7	8	9
10	11 O	12 O	13 O	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

Late Season for Draggers

February 2016						
S	M	Tu	W	Th	F	S
	1	2	3	4	5	6
7	8 O	9 O	10	11	12	13
14	15 O	16 O	17	18	19	20
21	22 O	23 O	24	25	26	27
28	29 O					

March 2016						
S	M	Tu	W	Th	F	S
		1 O	2	3 O	4	5
6	7 O	8 O	9	10 O	11	12
13	14 O	15 O	16	17 O	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

Insert this Zone 2 calendar as if underlined (at the end of Ch. 26):

FINAL 2015 - 2016 Sea Urchin Season for Maine Zone 2

= Open = Closed

Early Season for Divers, Rakers and Trappers

October 2015							November 2015							December 2015						
S	M	Tu	W	Th	F	S	S	M	Tu	W	Th	F	S	S	M	Tu	W	Th	F	S
				1	2	3	1	2	3	4	5	6	7			1	2	3	4	5
4	5	6	7	8	9	10	8	9	10	11	12	13	14	6	7	8	9	10	11	12
11	12	13	14	15	16	17	15	16	17	18	19	20	21	13	14	15	16	17	18	19
18	19	20	21	22	23	24	22	23	24	25	26	27	28	20	21	22	23	24	25	26
25	26	27	28	29	30	31	29	30						27	28	29	30	31		

Late Season for Divers, Rakers and Trappers

December 2015							January 2016							February 2016							March 2016						
S	M	Tu	W	Th	F	S	S	M	Tu	W	Th	F	S	S	M	Tu	W	Th	F	S	S	M	Tu	W	Th	F	S
		1	2	3	4	5						1	2		1	2	3	4	5	6			1	2	3	4	5
6	7	8	9	10	11	12	3	4	5	6	7	8	9	7	8	9	10	11	12	13	6	7	8	9	10	11	12
13	14	15	16	17	18	19	10	11	12	13	14	15	16	14	15	16	17	18	19	20	13	14	15	16	17	18	19
20	21	22	23	24	25	26	17	18	19	20	21	22	23	21	22	23	24	25	26	27	20	21	22	23	24	25	26
27	28	29	30	31			24	25	26	27	28	29	30	28	29						27	28	29	30	31		
							31																				

Early Season for Draggers

October 2015							November 2015							December 2015							February 2016							March 2016						
S	M	Tu	W	Th	F	S	S	M	Tu	W	Th	F	S	S	M	Tu	W	Th	F	S	S	M	Tu	W	Th	F	S	S	M	Tu	W	Th	F	S
				1	2	3	1	2	3	4	5	6	7	1	2	3	4	5			1	2	3	4	5	6			1	2	3	4	5	
4	5	6	7	8	9	10	8	9	10	11	12	13	14	6	7	8	9	10	11	12	7	8	9	10	11	12	13	6	7	8	9	10	11	12
11	12	13	14	15	16	17	15	16	17	18	19	20	21	13	14	15	16	17	18	19	14	15	16	17	18	19	20	13	14	15	16	17	18	19
18	19	20	21	22	23	24	22	23	24	25	26	27	28	20	21	22	23	24	25	26	21	22	23	24	25	26	27	20	21	22	23	24	25	26
25	26	27	28	29	30	31	29	30						27	28	29	30	31			28	29						27	28	29	30	31		

Late Season for Draggers

December 2015							January 2016							February 2016							March 2016						
S	M	Tu	W	Th	F	S	S	M	Tu	W	Th	F	S	S	M	Tu	W	Th	F	S	S	M	Tu	W	Th	F	S
		1	2	3	4	5						1	2		1	2	3	4	5	6			1	2	3	4	5
6	7	8	9	10	11	12	3	4	5	6	7	8	9	7	8	9	10	11	12	13	6	7	8	9	10	11	12
13	14	15	16	17	18	19	10	11	12	13	14	15	16	14	15	16	17	18	19	20	13	14	15	16	17	18	19
20	21	22	23	24	25	26	17	18	19	20	21	22	23	21	22	23	24	25	26	27	20	21	22	23	24	25	26
27	28	29	30	31			24	25	26	27	28	29	30	28	29						27	28	29	30	31		
							31																				

Insert this Zone 2 Whiting & Denny's Bay Limited Access Area calendar as if underlined (at the end of Ch. 26):

**Proposed 2015 - 2016 Sea Urchin Season for Maine Zone 2
Whiting and Denny's Bay Limited Access Area**

○ = Open □ = Closed

Early Season for Divers, Rakers and Trappers

October 2015							November 2015							December 2015						
S	M	Tu	W	Th	F	S	S	M	Tu	W	Th	F	S	S	M	Tu	W	Th	F	S
				1	2	3	1	2	3	4	5	6	7	6	7	8	9	10	11	12
4	5	6	7	8	9	10	8	9	10	11	12	13	14	6	7	8	9	10	11	12
11	12	13	14	15	16	17	15	16	17	18	19	20	21	13	14	15	16	17	18	19
18	19	20	21	22	23	24	22	23	24	25	26	27	28	20	21	22	23	24	25	26
25	26	27	28	29	30	31	29	30						27	28	29	30	31		

Late Season for Divers, Rakers and Trappers

December 2015							January 2016							February 2016							March 2016						
S	M	Tu	W	Th	F	S	S	M	Tu	W	Th	F	S	S	M	Tu	W	Th	F	S	S	M	Tu	W	Th	F	S
		1	2	3	4	5						1	2		1	2	3	4	5	6			1	2	3	4	5
6	7	8	9	10	11	12	3	4	5	6	7	8	9	7	8	9	10	11	12	13	6	7	8	9	10	11	12
13	14	15	16	17	18	19	10	11	12	13	14	15	16	14	15	16	17	18	19	20	13	14	15	16	17	18	19
20	21	22	23	24	25	26	17	18	19	20	21	22	23	21	22	23	24	25	26	27	20	21	22	23	24	25	26
27	28	29	30	31			24	25	26	27	28	29	30	28	29						27	28	29	30	31		
							31																				

Early Season for Dragger

October 2015							November 2015							December 2015							February 2016							March 2016						
S	M	Tu	W	Th	F	S	S	M	Tu	W	Th	F	S	S	M	Tu	W	Th	F	S	S	M	Tu	W	Th	F	S	S	M	Tu	W	Th	F	S
				1	2	3	1	2	3	4	5	6	7			1	2	3	4	5		1	2	3	4	5	6			1	2	3	4	5
4	5	6	7	8	9	10	8	9	10	11	12	13	14	6	7	8	9	10	11	12	7	8	9	10	11	12	13	6	7	8	9	10	11	12
11	12	13	14	15	16	17	15	16	17	18	19	20	21	13	14	15	16	17	18	19	14	15	16	17	18	19	20	13	14	15	16	17	18	19
18	19	20	21	22	23	24	22	23	24	25	26	27	28	20	21	22	23	24	25	26	21	22	23	24	25	26	27	20	21	22	23	24	25	26
25	26	27	28	29	30	31	29	30						27	28	29	30	31			28	29						27	28	29	30	31		

Late Season for Dragger

December 2015							January 2016							February 2016							March 2016						
S	M	Tu	W	Th	F	S	S	M	Tu	W	Th	F	S	S	M	Tu	W	Th	F	S	S	M	Tu	W	Th	F	S
		1	2	3	4	5						1	2		1	2	3	4	5	6			1	2	3	4	5
6	7	8	9	10	11	12	3	4	5	6	7	8	9	7	8	9	10	11	12	13	6	7	8	9	10	11	12
13	14	15	16	17	18	19	10	11	12	13	14	15	16	14	15	16	17	18	19	20	13	14	15	16	17	18	19
20	21	22	23	24	25	26	17	18	19	20	21	22	23	21	22	23	24	25	26	27	20	21	22	23	24	25	26
27	28	29	30	31			24	25	26	27	28	29	30	28	29						27	28	29	30	31		
							31																				

DEPARTMENT OF MARINE RESOURCES

Chapter 8 Landings Program

8.10 Primary Buyer Permit Reporting

- A. Primary Buyers shall report all transactions pertaining to buying any marine organism directly from harvesters on a trip level basis. The following data elements shall be reported to the DMR on approved paper forms or through approved electronic reporting mechanisms:
1. Dealer name (as it appears on the dealer license) & license number
 2. Designate negative report period if no transactions purchased from harvesters.
 3. Date purchased/ & date landed
 4. Harvester identification & vessel identification
 5. Species
 6. Amount
 7. Grade & market category
 8. Gear type (fishing method)
 9. Disposition
 10. Port landed
 11. Indicate if catch was carried
 12. Ex-vessel value (monthly average)
 13. Signature written or electronic
- B. All data sent to DMR shall be legible, coherent and conform to DMR specified standards.
- C. Additional data elements and requirements for specific fisheries:
1. Urchin: must report percent roe; number of harvesters or boats; and price/lb by trip.
 - (a) Dealers may be charged a fee to cover the Department's costs to produce the log books and for statistical analysis of the data.
 - (b) Urchin dealers shall submit reports electronically to the Department using an approved electronic format on a daily basis for the entire urchin fishing season. The reporting period begins daily at 12:01 am Eastern Standard Time and ends at 12:00 midnight. Reports must be received by the Department by 2:00 pm of the following day, including the day following the last day of the season. If a correction is needed following the entry of a transaction, the dealer shall contact the Department directly to request the correction. If an extension of time is needed, the dealer shall contact the Department directly to request the extension. In the event of any failure of the reporting software or equipment, the Commissioner may authorize the use of paper reports until such time as the system is operational.
 2. Herring: must report document or serial number of harvester report; and price/lb or total value on a trip level basis
 3. Elver:

Reports required in this section must be submitted electronically to DMR using an approved electronic format, such as Trip Ticket software, on a weekly basis for the entire elver season. The reporting week begins on Sunday at 0001 hrs (12:01 AM) local time and ends Saturday at 2400 hrs (12:00 midnight). Reports must be received by the DMR by 1700 hours (5:00 PM) Tuesday, three days after the end of each reporting week. If a correction is needed following the entry of a transaction, the dealer must contact DMR directly to request the correction.

Elver dealers must use swipe card hardware approved by DMR. When purchasing from licensed harvesters, dealers must swipe a harvester transaction card provided by the licensed harvester (issued to them by the Department of Marine Resources) in order complete the transaction information. Dealers shall only purchase from harvesters when an approved electronic system with swipe card capabilities is used. Dealers may not purchase elvers from harvesters that do not present a DMR-issued swipe card.
 4. Spiny Dogfish and Black Sea Bass:

Any Primary Buyer shall report weekly to the Department's Landings Program. Reports required in this section must be submitted electronically to DMR using an approved electronic format, such as the Standard Atlantic Fisheries Information System (SAFIS), file uploading, or Trip Ticket software. The reporting week begins on Sunday at 0001 hrs (12:01 AM) local time and ends Saturday at 2400 hrs (12:00 midnight). Reports must be submitted by midnight Tuesday, three days after the end of each reporting week. Dealers who want to make corrections to their trip-level reports may do so for up to 3 business days following submission of the initial report. If a correction is needed more than 3 business days following the submission of the initial trip-level report, the dealer must contact DMR directly to request an extension of time to make the correction.

Dealers must provide the following information:

1. Dealer ID
2. Trip start date
3. Landing date
4. Harvester ID
5. Vessel ID (Hull ID)
6. Gear Type
7. Species, market size and grade
8. Quantity and unit
9. Disposition
10. Price per unit
11. Port landed

5. Seaweed:

Prior to January 30th each year, persons licensed pursuant to 12 M.R.S. §6803-A (seaweed buyer's license), who purchased more than 10 wet tons in the previous calendar year directly from permitted seaweed harvesters, shall pay a surcharge of \$1.50 per wet ton. The surcharge is payable to Department of Marine Resources, mailing address, DMR Licensing Division, attn: seaweed surcharge, SHS 21, Augusta, Maine 04333-0021.

6. Shrimp:

A dealer who holds a Wholesale Seafood license with shrimp permit (12 M.R.S. [§6851\(2-D\)](#)) shall report all landings bought from harvesters (including any marine organism) to DMR on a weekly basis for the entire shrimp season as specified in DMR regulations Chapter 45.05. The reporting week begins on Sunday at 0001 hrs (12:01 AM) local time and ends Saturday at 2400 hrs (12:00 midnight). Reports must be postmarked or received at the DMR by 1700 hours (5:00 PM) Tuesday, three days after the end of each reporting week.

Basis Statement

Chapter 26 Sea Urchin Regulations and 2015-2016 Harvesting Season; Chapter 8 Landings Program

This regulation would establish season limits for the taking of sea urchins by divers, rakers, trappers, and draggers in Zones 1 and 2 during the 2015-2016 season. It would also establish the requirements for urchin harvesters and dealers to use an electronic reporting system ("swipe card system") to record all transactions in which urchins are bought or sold. The purpose of the swipe card system is to ensure accurate and timely reporting of dealer data to the Department.

For Zone 1, a 15-day season is proposed for divers, trappers, rakers and draggers in 2015-2016, which is the same number of days as in the 2014-2015 season. The Sea Urchin Zone Council recommended the selection of these particular days. Divers, rakers and trappers may fish 15 days in September ("early season"), or 15 days in December ("late season"); and draggers in December and January ("early season"), or February and March ("late season").

For Zone 2, a 38-day season is proposed for divers, trappers, rakers and draggers in 2015-2016, which is the same number of days as in the 2014-2015 season. The Sea Urchin Zone Council recommended the selection of these particular days. Divers, rakers and trappers may fish 38 days in October through December ("early season"), or 38 days in December through March ("late season"); and draggers would have 38 days in October through March ("early season") or December through March ("late season").

For the Whiting & Dennys Bays Limited Access Area in Zone 2, a 9-day season is proposed for Zone 2 divers, trappers, rakers and draggers in 2015-2016, which is the same number of days as the season in 2014-2015. Zone 2 divers, rakers and trappers may fish 9 days in November and December ("early season"), or 9 days in December and March ("late season"); both early and late season Zone 2 draggers would have 9 days in December and March. The Sea Urchin Zone Council recommended the selection of these particular days with exception of December 15 for the early dive season and December 8, 23 and 29 for the late drag season which were chosen for consistency with the 38 day calendars.

Summary of Comments

Chapter 26 Sea Urchin Regulations and 2015-2016 Harvesting Season; Chapter 8 Landings Program

Public hearings were held in Augusta on May 18, 2015, and in Ellsworth on May 19, 2015. Notice of this proposed rulemaking was given on April 29, 2015 on the following: the DMR website, the DMR rulemaking interested parties e-mail list, the DMR Advisory Council via e-mail, the Secretary of State's proposed rulemaking website, five daily newspapers, and via postcard and GovDelivery to all Maine licensed urchin harvesters, buyers and processors. The summarized comments received either at the public hearings, via e-mail or by letter are sorted by topics with Department responses at the end of each section.

Comments on the "Swipe" Card (Chapter 8 Landings Program)

In Support

Jim Wadsworth, former Urchin Buyer; comment submitted at Augusta public hearing: I'm Jim Wadsworth. Not currently a licensed buyer, but formerly a licensed buyer. I stopped in the year 2009 after I had some bad financial outcomes in the urchin fishery and the reason I'm here tonight is just because I am in favor of the swipe card system. As far as the season is concerned, I don't have any problem or comment on that, but I think the swipe card system will level the playing field somewhat, **although I'm still a little unclear on whether cash will still be allowed?** I guess if it still is, the playing field might not be exactly level. I've been watching the urchin fishery since I sort of retired in 2009 and I see that from what I hear in Japan, the Maine urchin, you know we used to be considered good quality. Now it's considered too expensive. And that's kind of too bad, because that's a hard label to get away from once you get it. I guess that's probably a result of too few urchins and that's what tends to happen when volumes go down – prices tend to go up. So maybe it's the natural progression. My buyers are not interested in receiving urchins from me because they are too expensive. So I don't know if this swipe card thing will change anything in the matter of price, but I guess it's a start so I think that's the extent of my comment tonight. Thank you.

Opposed

Wayne Delano, Zone 1 Diver, Friendship; comment submitted at Augusta public hearing: I'm Wayne Delano. I've had a commercial urchin license since there's been one, I believe. It started in the late 80's. It's been quite a while. **First of all, I don't really understand the benefit to the swipe card system. They already have mandatory reporting.** So that's one thing I don't understand. We are already supposed to report. We have a very limited season. I'm probably, age-wise, as young as anybody doing it, and I'm pushing 50 years old. I guess I don't see the issue, or the problem with the rules and regulations we've already got in place – the limited season, and right at this point it looks like they are not trying to address the limit amount, not trying to knock that back, and I would say it seems to me like it's going to be close behind, if this takes effect. That concerns me. **Another thing I don't understand really, the whole equipment system. I think with the elvers the state actually provides some of the equipment, am I not correct? So it's going to cost the dealers (to buy the system), plus they have to have a laptop to plug it into?** So another concern is that we have these small urchin dealers who probably help to get us a half decent price. With this limited season, I think you are going to end up pushing these guys out. I don't know if that's part of the reason behind this big push, to have a couple of dealers and they'll have total control and they'll pay what they want to pay...it just seems to me that if you push the small guy away from being able to buy...it's already to the point where it's hardly worth keeping a license. My harvester license alone, I'm pretty sure it's the single most

expensive license in the Marine Department, per day of fishing. I mean, it's ridiculous as it is. It's a little better after they did change the fare. Still, I don't think it's fair, the way the system is set up. In Zone 2 they get 38 days, we get 15; I don't know what the ratio is as far as switching back and forth. Why would you switch back to 15 days if you've got 38? I don't know how much of that happens. I guess basically that's my comment. With all the stuff that's already in place, all you're doing is trying to implement more rules and regulations **and marine patrol is already spread so thin. It's just more things for them to enforce. You already don't have to sell someone a license if they don't mandatory report, so I don't see the benefit behind it. Other than trying to take the cash away, if that's the point.** Jim mentioned he kind of hoped it would take the cash away and level the playing field. I got to disagree, I think it wouldn't level the playing field, I think a couple of big guys that are still buying would be in total control and I think that would change the price and probably drop it. They could pay what they want to. The little guy that's sitting there that's not making that much money doing this in this short season....that's my comments, with the rules and regulations we already got in place, I don't understand why this is going to make it better. It just seems worse for us harvesters. There's enough rules and regulations in place. There's no way into the fishery, there's no waiting list for the fishery. Last I knew a few years ago in Zone 1 there was somewhere around 50 divers? I'm sure it's less than that now. I just don't see us hurting, the way the rules and regulations are right now. You're making it tougher for us to hold this license all the time, every year. It's one thing after another. If you want us to give it up...I don't go that much, I do other things, but I don't want to give this license up. **And I'm concerned about that...what happens if I decide not to go and I don't do any reporting or I don't do any swipe card transactions? Next year is it going to be, well you are going to take my license away because you didn't land anything?** I think we really ought to think about this before we....I think this industry is a little different than the elver industry. This isn't anymore, it's not the money industry the elver industry is. I think if the Marine Department had been a little stricter 25 years ago, we'd have had more urchins now. It's a slow process to rebuild these things, but I don't see it declining more and more and more with the handful of divers that are 50 years plus old. I'm probably the one of the youngest ones and I don't really enjoy this anymore. It's a lot of work, and it's hard work. I don't see these 50 or 60 year old men depleting this industry. Not at this stage, with no new entries. That's about all I have to say.

Chenda Doeur, Urchin Buyer, Portland; comment submitted at Augusta public hearing: My name is Chenda Doeur. I have been in the sea urchin business for 17-18 years now. I've been a buyer and processor. What Wayne said...it's very hard to make a living right now, being in the sea urchin industry right now. The season was declining so bad, that even the processors, it's hard to survive. And there's only a few of us left in the industry right now and we try to make whatever we can, just to survive. Every day is just a struggle. And more rules and regulations is just going to hurt us more. I understand that the State needs to get all the records on what we buy and sell, but we do that – we send it in every month by the 10th. The regulation says that if we don't, you're going to take our license away. I just believe that what Wayne said is true. A lot of us right now are getting old – we're 40 or 50 years old. How are we going to get a new job? How are we going to start a new career? It's very difficult. I understand what they did in elvers. But in other states there's a lot of jobs in mushroom picking, **and in all those things they are still using cash. And I don't see why we need to do it.** I don't see why we have to be so hard on people that are trying to make a living. Because nobody right now is making millions of dollars in urchins. Twenty or thirty grand a year is pretty much what you can make. And if you can try to get a different job, it will be very difficult. How are all the urchin buyers and processors going to start at \$8 or \$9/hour? So that's all I am trying to say...whatever the Department is trying to do right now, it just makes it more complicated. And if big buyers come in, they can just dominate the industry. Just like Wal-Mart and Home Depot came in...what happened to the small market? It's the same thing. Is that what you guys want? That's all I have to say.

Tracey Sawtelle, Zone 2 Dragger, Lubec; comment submitted at Ellsworth public hearing: I'm opposed to the rule because I feel it shows no conservation whatsoever. And with the [harvester] logbook, we

write down a lot more information than what is on the swipe card. We have to say how long the tows are, where you fished, and on the swipe card, you do not. So I think there is already more conservation in the logbooks than would ever be put in the swipe card. And I think the Department should work harder on getting other people into the fishery. So more people can get into the fishery, other than what's in there right now. If you want to really do something, you need to do something to the fishery – where no one can get involved in it. And I believe that if they adopt this rule, then lobster fishing, clamming, any commercial fishery I think they'll also adopt that into that. **And I haven't been able to get any answers on the electronic box – what happens if the weather's real bad, it's zero degrees out, the winds blowing 40-50 mph, it's cold...what if this box for some reason doesn't work? What are you going to do with your product? I've spoke to buyers that are not happy about this right here, because they have two or three trucks going different places, and they don't see how that's going to be feasible. They have some people working that they claim will not be able to use this swipe card system. They're good at buying urchins, but they're not good at any kind of paperwork or whatnot.** So, those are my comments.

We're being told that by using the swipe card, maybe we'll be able to choose our own days. But we all know, we cannot do so, because the buyers will only buy so many days. They're complaining about buying 5 days a week. They would like to only buy three days a week. **So how would we ever pick our own days?** We really couldn't. And if the swipe card system goes in, I believe we'll have less buyers than we have now. And I don't want this to turn into the same as what the shrimp fishery is, where Maine lost the shrimp market. There's a lot of different scenarios that need to be looked at before this gets thrown through Legislature. I think they need to use their heads, and think of all the different scenarios. Because that's usually what happens, and when they pass a law they'll say, well we never thought of that. Well, gee, no one mentioned that to us. Well they don't because they don't sit down and go through it all. You can't keep making it harder and harder on the fishermen. And every time you pass something that doesn't have to do with conservation, you're making it harder on the fishermen.

Danny Jodway, Zone 2 Dragger, Lubec; comment submitted at Ellsworth public hearing: I just oppose the swipe card, not so much the poundage, like I said, but the price – it's really none of the state's business. That's between me and the IRS and I'd just as soon say to hell with the swipe card.

Tony Fitch, Zone 2 Diver, Owls Head; comment submitted by email: I cannot make the meeting but I do have concerns that going to this system while it sounds like a good idea, due to the spread out nature of buyers and the difficulty in sending trucks etc. to meet boats etc. will make it more difficult for fishermen to find the buyer who will have the ability to swipe cards in many different locations at many different times. The buyers will have to have multiple units that can do the swiping that can go off in many different directions at a time. **If they have only one unit it will be impossible and very restricting. I also don't think the buyers should have to pay for a bunch of swipe card recorders (I have no idea what the hardware required is), so who is going to pay for it all? It will be in higher license fees, or the buyers will have to pay resulting in lower prices for fisherman for the urchins.** Please voice my concerns if you can at the meeting.

Tony Fitch, Zone 2 Diver, Owls Head; additional comment submitted by email: I just read the minutes and saw the discussion on swipe cards. I see that the buyers say they have to have fixed buying stations to do the swipe cards. I call the buyer and he comes to buy and pick up the urchins at the dock and they are unloaded off the boat. I do not own a truck so how am I supposed to get my urchins to a fixed buying station. **I need to have the buyer able to come to the boat.** This is not like elvers where they are driving around to fish and they are mobile with the product. We are a fishery in the OCEAN and I cannot go down the road with my catch, without a truck. You need to be able to enable the fish to be picked up at the boat like just about every other fishery. They need multiple small mobile ways to swipe the cards. I am not opposed to cards but it needs to be set up in a way that does not make it

more difficult or impossible for the fisherman to, after a long and tiring day of diving in the north Atlantic, in winter, get urchins loaded in a truck and drive down the road to a fixed buying station that could be a significant drive from where the boat is or the fisherman lives.

Lewis C. Reed, Jr. Zone 2 Diver, Sedgwick; comment submitted by email: I saw on the news that swipe cards might be implemented for urchins and **I can't think of one good reason to do so. At least I can't see how it benefits the urchin fisherman at all.** It just seems like the state wants to control and regulate an already taxed industry. I realize it has some benefit for elver fisherman because of some illegal activity, but in our case, not so much. Our industry totals about 5 million annually. It also seems to be that we are underrepresented and unorganized, which leaves us susceptible to state rule. I think if you propose swipe cards to lobsterman, you would be hearing from their lawyers. I would also say that most recent laws, such as tote limits, size limits and calendar days, make good sense. I just can't see any divers or draggers thinking this is a good idea. I am sure of one thing, the state will do whatever benefits them.

David Quinby, Zone 2 Diver, Sedgwick; comment submitted by email: This is to address the pending change in sea urchin harvest regulations, ie, use of the swipe card to record sales/harvest.

My concern is that my business either won't be able to sell urchins, or that it will be very cumbersome.

We sell directly to the educational supply companies for classroom use, or directly to researchers, and currently to the Center for Cooperative Aquaculture Research.

Thank you for your time and consideration of my concerns.
Please feel free to call me.

John F. Collora Sr., Zone 2 Dragger, Jonesport; comment submitted by email: **I believe this would limit buyers and just add more unneeded regulations** to our headaches. If DMR would enforce existing laws it would be sufficient. Crooks will always find a way around regs. Make violations stiffer and enforce them.

John F. Collora Sr., Zone 2 Dragger, Jonesport; comment submitted by email: Jody Alley asked me to send a message to you. He holds urchin, scallop, and lobster licenses. He feels that we have enough regs. **It would be detrimental to sales**, and would be another law that would add to our confusion. Just the fact that **DMR controls our days makes it dangerous**. It seems to him that patrol needs to do more and enforce existing regs.

John F. Collora Sr., Zone 2 Dragger, Jonesport; comment submitted by email: **I've talked to elver fishermen and they've said that the swipe card has reduced competition because harvesters won't take checks from unknown buyers.** Sounds like a serious benefit for some buyers. Competition is needed as these buyers will have a strong advantage over price and buying. We need to take a step back and control escalating unnecessary regs.

Tristan Smith, Zone 2 Diver, Swanville; comment submitted by email: I have no problem with the use of swipe cards in the commercial fishing industry, **but I do not think that one group should be required to use them** (singled out). All commercial fisheries should be treated equally (no discrimination). There are a few issues that will need to be addressed

- 1. Personal consumption**

- 2. Retail sales (pedaling to public). I have sold to individuals in the past and we should not give up the right to do so in the future. There is a big domestic market and dealers should not have an unfair advantage**

- 3. It is also very important that there is a method to transfer urchins directly into aquaculture sites**

Neither For Nor Against

Tom Reno, Zone 2 Diver, West Bath; comment submitted at Augusta public hearing: I'm a very active sea urchin diver. I take it real seriously, right from the start, all the way to the end. I fish as much as I can – the roughest weather that you can think of. Some of us feed off of each other – we go hard. **So I am one of the fishermen that's for accountability. If some day they come down the pike and they say, okay – you guys can only have this much, divided up between all of you – I don't want to divide it up with that guy, if he isn't using his license.** But in the other sense, it's so hard for that man to get a job, we have to keep the door open. So on the radical side of thinking about it, my thought was quota...we keep looking at the eels, but the only thing in common between urchins and eels is an Asian market. That's it. So if we look at other states...Alaska, crabbing – let that man have his quota. So he won't get penalized – he can find a guy like me who can go get them for him. But if the State says there's 200 active divers, divide the industry up, this is what the science says that you guys can go have. Science is already telling us that they're taking these seven trays a day...he might as well lease his seven trays to me, I'll go get it, he still keeps his landings, I get to go fishing. He gets to still make a paycheck. I'm 43. He got his in the lottery. I'm programmed to ask for more. What's going to come on the other end? I'm super impressed with the Commissioner, him not messing with anything. I think he's just kind of riding it out, seeing what's happening with us. I see it really sustainable. I see an issue with our Zone, between each fishery. Zone 1 feels ripped off. I see a little gray zone where we can both fish, because right now we're all concentrated Jonesport to Lubec. Pounding it. It used to be back in the day you had your own crafty little spots for different types of weather...everybody knows everything now. We know it all. The line that the state's created, nothing intentional, when this was all created, I think we're localizing...look what's happening in Tenant's Harbor, Lubec, and Cutler. I stick my nose further out into the tide, more and more and more, to get that product. And if they took the Zone away, the line away, I think it would send a lot of guys on wild goose chases and eventually as fishermen, we're hunters. I saw positive things. I ranged 130 miles in my dive season this year. I saw great things in both directions on bottom. I like the seven trays. I like the no reduction. Below seven trays you wouldn't make a paycheck. It would be really hard; it would be hard on the processors.

Rodney Dame, Zone 2 Diver, Addison; comment submitted at Ellsworth public hearing: Just a couple questions about this whole swipe card thing. Basically, I know all the elver fishermen have it- they're dealing mostly with Americans, we're dealing with Cambodians that usually I have to fill the slip out, because they can't write in English, they can barely talk in English. **So – is this forcing us to deal with checks? Are we still going to be dealing with cash? Do you have a swipe card system here where we can see how it works? What are they going to have, a hand held unit? Where is all this data going? Is it just to the DMR? Is it going to the IRS?** I am kind of for this in a small manner, because you guys keep putting limitations on for conservation, and like I said in the last meeting a year or two ago, the divers are all getting old. I'm one of the youngest divers, and I'm pushing 40 now. And all these divers, they're making \$100,000 or \$150,000, they don't need to go jump in 35 degree water, blowing 25 to 30. So that shows productivity going down, but it doesn't show that the product has gone down. I had no problem getting product last year, at many different places that I went. So I kind of like the idea that I'm swiping a card and you guys are getting that information, and hopefully next year I'm not sitting here taking another cut – down to 5 totes, or 20 days. Because I'm hoping that that's going to fix this problem. So I hope you kind of erase all the data from years gone by and evaluate from the swipe card, if we start this year, and then look at three years, and no more deciding on conservation until we see what's really going on. I know 25-30 divers right now that haven't been in the water for 5 years, but they still buy their license and so I just see that this is going to help. Like my fellow fisherman said a minute ago, there's information going everywhere...I'm a law abiding citizen, I pay my taxes, I'm not afraid of the IRS, nothing like that, but I don't want anybody knowing my business. But at the same time, these Cambodians aren't going to know how to run these machines, I mean, we got five Cambodians show up, maybe one of them you can speak English to, and he's there all the time, the rest are hit and miss, sometimes the batteries in their scales work, sometimes they don't so...if they are

going to run around with this little ATM unit, probably ought to teach us how to run it, so we can teach them how to run it...and the batteries in it and all that – we're just buying alongside the road, we're buying wherever we can meet these guys. **If this doesn't work – where's my product go? If the machine doesn't work for that day, where's the product go? Do I need to find another guy with a machine that is working? The only buying station I know that is inside a building is clear down in Lubec, and I ain't driving an hour and a half for that, so...**

Tracy Sawtelle, Zone 2 Dragger, Lubec; comment submitted at Ellsworth public hearing: About the swipe card. Say a warden is in Jonesport, and he's got to go to Lubec, and it takes him an hour to get there if he's out on the boat, on patrol and you have to wait an hour, the buyer is in a hurry to get his product, he wants to leave, and his machine isn't working...can you buy them with this program? Are we going to lose that day fishing, because they freeze because it's so cold? We can't wait an hour. What do we do? Who is going to tell them that? If we are there and there isn't a marine patrol officer and they can't be there within an hour, forty five minutes, or a half hour if it's zero degrees out and the wind's howling – things freeze, and you got to keep them under cover all the time. Are they going to say, well wait just a minute, I think the office is closed at the DMR, so I don't know who I'm going to ask about this, what do I do? I tell you what I'm going to do, I'm not going to buy his urchins, because I don't want to get in trouble. And the guys who has the urchins is going to say, geesh, I've got these urchins, I can't get rid of them, they're going to freeze, no one's going to want them, I miss a day's fishing...what am I going to do? Throw them overboard? I can't take them tomorrow, because I am only allowed 7 totes for the one day, I can't hold them. Should the members of the Legislature know all of these details before it is presented to them to pass? Or not pass? They need to know exactly all the scenarios being involved in this, I believe. Like right now, I can't get an answer because nobody knows. So is the buyer's going to know, if the swipe card machine doesn't work, they can buy the guy's product and not get in trouble? I want to know how that's going to work.

Scott Young, Zone 2 Diver, Winter Harbor; comment received at Ellsworth public hearing: I fish out of Winter Harbor. **If we're going to have a swipe card, do we still need to do the mickey mouse logbooks cause our time on boat, our boat time, our sea time, our time on bottom, our poundage, the dealer we sold to – that's a lot of information.** I feel that this is a mickey mouse system, right here. I feel this is already in effect, we're going to have a swipe card system whether we want it or not, we're here for semantics, we're going to have a swipe card next year. We're just here filling in the pauses...are we going to have to do double duty on this? **What are you looking at for the redundancy (buyers and harvesters)? Why the double information?**

You don't see the licensing as part of the decline in the fishery? I'm 43 and up until 15 minutes ago I was one of the youngest guys I knew in this fishery. I don't want to go any more when it's blowing 40 and it's 20 below zero...which it is often. Last year was brutal...Did I go – yeah. Did I go all the time – no. I sent my boat, I had a young guy, he was fierce – he's way younger than me, he's 41. You know? There's been a moratorium for how long? There's been a decline, I'm older and fatter – I can't do it like I used to.

You bring your survey up – a lot of your surveys are done by urchin divers. Is that information public? I think that is a conflict of interest, to have a fellow out of Steuben doing the dive survey, and then going back and diving on them. I think that's wrong, with a group of three others on his boat. He's been capitalizing on that survey for quite some time. And he's no dummy – that's the way to do it. State pays you go dive on them, and then you go dive on them.

Joe Leask, Zone 2 Diver, Bath; comment submitted at Ellsworth public hearing: I'm Joe Leask; I chair the Urchin advisory board. I'd like to start by pointing out that one thing we don't know with urchins is where the biomass should be, by rights. We have an assessment back from the early 90's which shows where it was at that time and how much we harvested, but we don't know if that was artificially inflated

and I've heard a lot of talk over the years with different fishermen and older gentlemen that have been around for years, lobstermen namely, that didn't see urchins and then they did see them the following year so, my point simply is that we really need to come to a point where we have a good idea of what's healthy as a biomass. Lobstermen will tell you if the urchins eat all the kelp, lobsters don't have a place to hide. Any healthy ecosystem is balanced. We don't necessarily know where that balance is. I can tell you where I dive and where I've dove, and I cover most the state of Maine. I tend early season Zone 1 and I dive Zone 2, and I tend a late season Zone 2 diver. We cover pretty much everywhere there's urchins in the state of Maine. We've been all the way to Cobscook and we've been back as far as Muscle Ridge, which is the majority of the urchin stock and we have a really good idea of where the urchins are at from year to year and I have a really good idea because I also cucumber dive and I look at the bottom for another two months, sometimes three, depending on my groundfish schedule. But I can tell you right now there's more than a small tick of a healthy increase this year – there's a noticeable increase across the board and a number of places have urchins. Robert Russell pointed it out at our last council meeting, I've seen it personally, and I'm seeing more and more tracks, especially cucumber diving where you get off the beaten track so to speak where the urchins should be. I see a lot more stuff in the nickel to quarter size class and I guess the litmus test will be how these urchins fare in the next couple years because they're there, the spawn is there, they're spawning longer. I crack a few open this time of year just to see how they're doing – they are still full. The water's warmed, by all scientists account they should be empty, and they should be all done spawning. They are not – they're still full. There's a lot of spawn in them and they have been spawning on every full moon cycle for as long as I can recall and I've been diving over 25 years. I've seen urchins spawn on every full moon cycle so my sense of it is that they have idea of what's going on, they have an instinct, their numbers are where they are and they are doing what they do naturally – they eat, and they reproduce. That's really the only things urchins do.

I don't think our management really needs an overhaul. I think our management has done a really good job over the years dealing with what we've been handed and have made the best decisions for the majority while still trying to preserve our biomass. And the evidence of where we are now, the fact that we are still going, flies in the face of many other urchin fisheries throughout the world. Ireland's all done for the most part. England. There's a number of other fisheries that have either collapsed, or are on the verge of collapse. California is very heavily managed. Very few divers left, Oregon, Washington. Alaska has a lot of biomass, but they are strictly regulated. When I was there, the biologist would dive from ledge to ledge and he would shut ledges down or shut areas down and that was quite a few years ago. That was the extent of my knowledge of Alaska, but they still have quite a lot of biomass, but they also have a lot more harvestable bottom. So in dealing with the swipe cards, I'd like to ask a question and that is **how, since this is rule-making, the Commissioner has the authority to temporarily suspend it in the event that we have issues that can't be solved... is that not true?** My concern, and one that has been voiced here, is not being able to sell urchins. And we have a different animal with urchins, vs. elvers. Elvers they were trying to curtail illegal activity. Elvers they needed accountability for the Atlantic States Marine Fisheries Commission. We're not at that place with urchins. Urchins, we have accountability with the logbook. Myself, personally, I do a log book for the state and a log book for the feds. I have VMS... now they want me to have a swipe card. It's just one more thing. That part I'm not real crazy about. Like this gentleman here, I get the sense that this is going forward. I get the sense we're going to be looking at this swipe card, and at the last Council meeting I really tried to bring it to the Council's attention, for us to at least vote on it, speak our opinion. For the record, the Council decided to table it. I think we really should have tackled it, but hindsight's 20/20. We're at where we're at now, and really this is our only venue to either table this card for another year, or a period of time, where we can implement it in such a way that it would be successful because I would like the swipe card to take the place of a log book – that makes sense. **It should be, for DMR, less paperwork. It should be for us simpler, just to swipe a card, rather than do a log book. It should be quicker for the DMR to get their information – should be, best case scenario. It should be over the long haul, more cost effective. But you have to look at the cost effectiveness in the short term, and there's**

going to be some costs incurred. We hear from the DMR on a regular basis how they are short on staff, short on funds, and here's another program to roll out, to eat up more funds, to take up more staff. So the logbooks are working right now. They're not as quick or precise as DMR may prefer, but they are working and with a little more enforcement, with respect to dealers not submitting timely reports. I think the logbooks do work fairly well.

One thing I want to mention, my wife of all people, expressed concern about using the internet, for people to get into the internet and do stuff to it. I'm not real fluent with internet stuff, it's hard enough just to get on sometimes for me, but I am familiar with the news and what's been happening. I am really concerned about the swipe card being implemented, and the ability to police that, so that a guy couldn't come and sell two lots of urchins with two swipe cards, because I don't know how you are going to handle that. **That's something we are already dealing with right now that I'm not sure the swipe card can fix.** So if we're going to have a seven tote limit, it's got to be seven totes for everyone and we can't have guys going out and getting more than that and just using a different swipe card, or just selling to a different buyer which is what a few were doing right now. I think that's about it. I would like, if the swipe card is moving forward as it seems to be, I would like the Commissioner to have the authority and I'm not sure if rule making is the right way, we should be in a position if it is not going forward smoothly, it should not affect a guy's ability to make money. It should be suspended until a time when we can put it in smoothly and fairly for everybody.

DMR Response

Impact on Cash Sales

In response to comments regarding cash sales, the implementation of the swipe card system will not prohibit cash sales and buyers will not be prohibited from purchasing sea urchins through a cash sale. However, the landings information associated with that transaction, which is currently required to be reported to the department, is proposed to be submitted electronically each day via the swipe card system in lieu of dealer paper reports being submitted once a month. This will allow for more timely and accurate reporting. The elimination of cash sales in the elver fishery were for reasons other than timely and accurate reporting.

Benefits

The primary benefit would be to provide the Department with accurate and timely landings information (dealer data would be provided daily, instead of monthly), which is crucial to the successful management of Maine's fisheries. Without an accurate understanding of what is being harvested, the Department's ability to effectively manage is impaired and a more cautious approach must be taken to ensure the resource is not overexploited. Conversely, with accurate and timely information, the Department could possibly allow additional harvesting opportunity should the information be available to determine that such harvest would not impact the resource beyond its ability to recover. Swipe cards also reduce the possibility of human error in transcribing landings information from paper slips used at the point of a sale to landings reports by hand, then again when those landings reports are entered by hand into the landings database. This also saves time and resources for both the dealer and the Department. In addition, the swipe card system also carries the potential for allowing the fleet more flexibility in how they access the resource, by allowing harvesters the possibility of one day being able to choose which days they wish to fish based on weather/safety, markets and personal commitments. This would solve a long-standing concern about safety that has been present in winter fisheries with a limited number of fixed calendar days. Also, swipe cards offer potential benefits in regards to illegal sales of urchins as only licensed harvesters will be issued a card and the card must be utilized when selling urchins. Finally, due to the language barriers that exist amongst participants in the fishery, the swipe card system would offer the benefit of providing accountability to both the dealer and the harvester in that the poundage and value are reported at the time of the transaction, with a two-copy

receipt being printed reflecting what was submitted to the DMR. This will ensure that landings information is accurately reported from both the harvester and dealer point of view.

Cost

While there will be no cost to harvesters as they will be provided with a swipe card free of charge, dealers will need to obtain a swipe card reader prior to the fishing season. While the swipe card system currently being utilized in the elver fishery costs approximately \$370 per unit, the version being developed for the sea urchin fishery is anticipated to be offered at a lower price. However, for this season the Department will provide dealers with a swipe card reader free of charge that is compatible with a Window's based computer system or Android mobile phone. Should a dealer need to obtain another in the future or wish to obtain a swipe card reader that is compatible with Apple's iOS system, then those costs are to be borne by the dealer. Once the reader is set up and being utilized, there will be an overall cost savings to the dealer as less time will be required to fill out and submit paper landings reports. In addition, there will be a net cost savings to the Department in time and resources for transcribing and entering data from the paper landings reports. Overall, with more accurate and timely data, the Department will be better able to effectively manage the fishery, ensuring both the long term health of the resource and businesses which rely on them.

Marine Patrol

Some commenters expressed concern that there would be an additional burden or work load to marine patrol to implement and oversee the swipe card system. After being implemented in the elver fishery for two years, the swipe card system has been found to be a valuable asset to marine patrol officers as it has eliminated the illegal selling of elvers, reducing the burden to officers to address this issue. Since only a licensed harvester can be in possession of both the product and the swipe card with which to sell the product, this would address the issue of fishermen illegally selling over the daily possession limit in one day (i.e. selling twice the catch limit to two separate dealers), thus serving to provide a benefit to marine patrol in addressing this issue and aid in enforcing the current tote limits.

Potential for Failure of the Swipe Card System

Marine patrol has found there to be no issues or complaints from harvesters using the swipe card system in the elver fishery. Marine patrol officers in the field will have a swipe card with them and in the case where a harvester's card may fail; the officer can swipe theirs to facilitate the transaction on the spot. The transaction will then be flagged and later assigned to the appropriate harvester as the officer will be able to verify the transaction. Finally, if there is a catastrophic failure in the system, such as one commenter noted due to the cold weather in which this fishery operates and the card readers completely fail, dealers will be trained in a backup protocol to allow for transactions to continue. This protocol will be reviewed with dealers prior to the season and can also be conveyed in outreach meetings with industry. The Department wishes to pursue a common sense approach to the implementation of the swipe card system in this first year, and should the system experience a catastrophic failure, the backup protocol utilizing paper reporting will be employed. The rule has been clarified to provide that this is the alternative in the event of a system failure.

Use of Data

The collection of landings data, including price, is important to accurately characterize the resource's value in Maine's overall economy, to help understand how different fisheries impact one another as well as to evaluate the impact of potential future management decisions, particularly when considering the historical participation by harvesters. While there is no current proposal being discussed by industry to change the way in which harvesters are able to access the resource, accurate historical landings information can provide useful insight into the level of participation and trends in landings across the state. Landings information can also prove useful in a situation where relief is made available should a natural or man-made disaster negatively affect the resource and fishery. It also can be utilized to characterize the resource and participation, when considering competing uses for ocean bottom and

spatial planning, such as dredging projects, offshore energy siting, etc. It is therefore vitally important that dealers and harvesters accurately report their landings information.

Based on several comments and questions, it is important to clarify that the swipe card system would not replace or negate the need for harvesters to report through their paper logbooks. While the swipe card system offers the potential to replace paper reporting for dealer data and the same data elements such as poundage and value will continue to be reported, there is detailed effort and fishing location information on the harvester side that is not included in the dealer reports, such as the number of crew, amount of gear used, the time the gear was fished, the depth, area fished, sea time and set number. Also, having both the dealer and the harvester side of reporting allows for cross checking and validation to verify the information being reported is accurate. Therefore, while the swipe card system offers the potential to alleviate and streamline dealer reporting requirements, harvesters will still need to continue to report on paper logbooks their catch and effort information.

Landings data that are reported to the state are considered confidential and cannot be released in a fashion that would identify a business or individual's information without a court order; they are only released in aggregate form. They are housed in a way that keeps the business or individual's personal information separate from the landings information and is housed in a Department database that can only be accessed by Department staff.

Fixed Buying Stations

While fixed buying stations were implemented in the elver fishery this past year, it was for a different purpose and fixed buying stations are not being currently proposed for the sea urchin fishery. The swipe card readers are portable and can be used at any location in the field and do not require a fixed buying station. If dealers are purchasing urchins in a remote location where there is no cellular service, they can complete the transaction at that location and need only to connect to the internet or cellular network once a day to upload the data.

Retail Sale of Urchins

The proposed regulation will not impact a harvester's ability to sell product directly to a member of the public if they wish. Since most of the product is sold to urchin dealers and the primary market is in Asia, there is essentially no retail sale of product from harvesters to a member of the public. However, if a sale does occur, the harvester must report that sale through the harvester logbook.

Why the Urchin Fishery?

Two commenters raised the question of why this is being implemented in the urchin fishery and not all fisheries at the same time. Currently, with the status of the urchin resource not experiencing any recovery over the past decade, the fishery presents a prime opportunity for consideration of a new management approach. In order to evaluate potential future management decisions accurate and timely data are needed. Each year the season is set without a complete understanding of how the most recent season fared, because dealer reports are not received until the next month and are sometimes late, and might not be entered at the Department until after that. Having accurate and timely data reporting could greatly assist in the industry's annual season setting efforts. Also, since there are relatively few active participants and dealers, it provides a step wise expansion of the system from the elver fishery. If it is successfully implemented in this fishery, it may continue to be expanded in additional fisheries due to the numerous benefits stated above.

Impact on Aquaculture Sites

The current proposal for swipe card implementation does not have any impact on the ability of harvesters to transfer their urchins to an aquaculture lease site. If harvesters wish to transfer urchins to an aquaculture site currently, they must abide by the current season rules such as daily possession limits and open days with which to harvest the urchins from the wild. Also, an individual must apply for

an aquaculture site lease prior to transferring urchins to that site and the proposed regulation does not have any impact on this current process.

Survey Information

Members of the fishing industry have often commented that surveys would be better if fishermen participated in them. The Department utilizes one industry boat and one retired industry boat, and one industry diver and one DMR diver on the urchin survey, which has been conducted annually since 2001. Industry participants offer valuable input and knowledge of the resource, and using their vessels is cost effective for the Department. All survey data are public and results are reported to the Sea Urchin Zone Council and posted on DMR's website. More detailed survey information is available by written request.

Comments Regarding the Proposed Season

Paul Fischer, Zone 1 Diver, Cape Elizabeth; comment submitted by email: I would like to see a day taken from the beginning of zone 1 late season and used to have an open day on the 23 of December. Other than that the schedule is good. Will the swipe cards eliminate the log books? When will we hear more about the swipe cards?

Rodney Dame, Zone 2 Diver, Addison; comment submitted at Ellsworth public hearing: I noticed last year, the early season and late season, the last five days, the early guys got to go the last week, in my season. I think – early season, early season – late season, late season. I know they threw in a few more days so they could catch up on the price, but I didn't get a chance to go in September when THEY were getting the price. Early season, early season – late season, late season. They get a good price sometimes; sometimes I get a good price. I was hoping for the price to be up the last two weeks of the season, but it put another 15 fishermen right in that week and the market flooded...thank god the last two days were bad weather and we they didn't get a chance to fish and some of us that did push got that price, but it flooded the market for that week. **So – if you want to go early season, go early, if you want to go late, go late. But it's one or the other.**

DMR response

The proposed season was negotiated by the Sea Urchin Zone Council at their annual public season setting meeting on [April 9, 2015 in Brewer, ME](#). This can be a lengthy meeting as both divers and draggers from both Zone 1 and 2 negotiate a set of calendars that complement each other, ensuring that there is enough product being harvested by both gear types and zones to keep the processors going each week. With the recent cuts in days and implementation of tote limits, the season has been stretched out across several months to ensure the processors' needs are met.

Zone 2 Early Season Diver, Rakers and Trappers Calendar Clarification

In the proposed rulemaking document, while the actual wording of the proposed Zone 2 early season for divers rakers and trappers reflects that Thursday, December 3, 2015 is an open fishing day (page 2), the calendar included in the document did not reflect that this was an open day (page 10), resulting in a 37 day season, not the correct 38 day season. Therefore, an updated calendar reflecting that December 3, 2015 is open and that the Zone 2 early season calendar for divers, rakers and trappers is a 38 day season will be included in the final rulemaking document. See the calendar below with December 3, 2015 highlighted in ORANGE.

Proposed 2015 - 2016 Sea Urchin Season for Maine Zone 2

O = Open
 = Closed

Early Season for Divers, Rakers and Trappers

October 2015							November 2015							December 2015						
S	M	Tu	W	Th	F	S	S	M	Tu	W	Th	F	S	S	M	Tu	W	Th	F	S
				1	2	3	1	2	3	4	5	6	7			1	2	3	4	5
4	5	6	7	8	9	10	8	9	10	11	12	13	14	6	7	8	9	10	11	12
11	12	13	14	15	16	17	15	16	17	18	19	20	21	13	14	15	16	17	18	19
18	19	20	21	22	23	24	22	23	24	25	26	27	28	20	21	22	23	24	25	26
25	26	27	28	29	30	31	29	30						27	28	29	30	31		

Late Season for Divers, Rakers and Trappers

December 2015							January 2016							February 2016							March 2016						
S	M	Tu	W	Th	F	S	S	M	Tu	W	Th	F	S	S	M	Tu	W	Th	F	S	S	M	Tu	W	Th	F	S
		1	2	3	4	5					1	2		1	2	3	4	5	6			1	2	3	4	5	
6	7	8	9	10	11	12	3	4	5	6	7	8	9	7	8	9	10	11	12	13	6	7	8	9	10	11	12
13	14	15	16	17	18	19	10	11	12	13	14	15	16	14	15	16	17	18	19	20	13	14	15	16	17	18	19
20	21	22	23	24	25	26	17	18	19	20	21	22	23	21	22	23	24	25	26	27	20	21	22	23	24	25	26
27	28	29	30	31			24	25	26	27	28	29	30	28	29						27	28	29	30	31		
							31																				

Early Season for Draggers

October 2015							November 2015							December 2015							February 2016							March 2016							
S	M	Tu	W	Th	F	S	S	M	Tu	W	Th	F	S	S	M	Tu	W	Th	F	S	S	M	Tu	W	Th	F	S	S	M	Tu	W	Th	F	S	
				1	2	3	1	2	3	4	5	6	7			1	2	3	4	5			1	2	3	4	5	6			1	2	3	4	5
4	5	6	7	8	9	10	8	9	10	11	12	13	14	6	7	8	9	10	11	12	7	8	9	10	11	12	13	6	7	8	9	10	11	12	
11	12	13	14	15	16	17	15	16	17	18	19	20	21	13	14	15	16	17	18	19	14	15	16	17	18	19	20	13	14	15	16	17	18	19	
18	19	20	21	22	23	24	22	23	24	25	26	27	28	20	21	22	23	24	25	26	21	22	23	24	25	26	27	20	21	22	23	24	25	26	
25	26	27	28	29	30	31	29	30						27	28	29	30	31			28	29						27	28	29	30	31			

Late Season for Draggers

December 2015							January 2016							February 2016							March 2016						
S	M	Tu	W	Th	F	S	S	M	Tu	W	Th	F	S	S	M	Tu	W	Th	F	S	S	M	Tu	W	Th	F	S
		1	2	3	4	5					1	2		1	2	3	4	5	6			1	2	3	4	5	
6	7	8	9	10	11	12	3	4	5	6	7	8	9	7	8	9	10	11	12	13	6	7	8	9	10	11	12
13	14	15	16	17	18	19	10	11	12	13	14	15	16	14	15	16	17	18	19	20	13	14	15	16	17	18	19
20	21	22	23	24	25	26	17	18	19	20	21	22	23	21	22	23	24	25	26	27	20	21	22	23	24	25	26
27	28	29	30	31			24	25	26	27	28	29	30	28	29						27	28	29	30	31		
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Rule-Making Fact Sheet

(5 M.R.S.A., §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) 624-6576; web address: www.maine.gov/dmr/rulemaking; e-mail
dmr.rulemaking@maine.gov

CHAPTER NUMBER AND RULE: Chapter 26 Sea Urchin Regulations and 2015-2016 Harvesting Season; Chapter 8 Landings Program

STATUTORY AUTHORITY: 12 M.R.S. §§6171, 6173, 6749

DATE AND PLACE OF PUBLIC HEARINGS:

Monday May 18, 2015, 6:00 PM, DMR Conference Room, Marquardt Building, 32 Blossom Lane, Augusta
Tuesday, May 19, 2015, 6:00 PM, Ellsworth City Hall (Council Chambers), One City Hall Plaza, Ellsworth

DEADLINE FOR COMMENTS: May 29, 2015

PRINCIPAL REASON OR PURPOSE FOR PROPOSING THIS RULE: This regulation would establish season limits for the taking of sea urchins by divers, rakers, trappers, and draggers in Zones 1 and 2 during the 2015-2016 season. It would also establish the requirements for urchin harvesters and dealers to use an electronic reporting system ("swipe card system") to record all transactions in which urchins are bought or sold. The purpose of the swipe card system is to ensure accurate and timely reporting of dealer data to the Department.

For Zone 1, a 15-day season is proposed for divers, trappers, rakers and draggers in 2015-2016, which is the same number of days as in the 2014-2015 season. The Sea Urchin Zone Council recommended the selection of these particular days. Divers, rakers and trappers may fish 15 days in September ("early season"), or 15 days in December ("late season"); and draggers in December and January ("early season"), or February and March ("late season").

For Zone 2, a 38-day season is proposed for divers, trappers, rakers and draggers in 2015-2016, which is the same number of days as in the 2014-2015 season. The Sea Urchin Zone Council recommended the selection of these particular days. Divers, rakers and trappers may fish 38 days in October through December ("early season"), or 38 days in December through March ("late season"); and draggers would have 38 days in October through March ("early season") or December through March ("late season").

For the Whiting & Dennys Bays Limited Access Area in Zone 2, a 9-day season is proposed for Zone 2 divers, trappers, rakers and draggers in 2015-2016, which is the same number of days as the season in 2014-2015. Zone 2 divers, rakers and trappers may fish 9 days in November and December ("early season"), or 9 days in December and March ("late season"); both early and late season Zone 2 draggers would have 9 days in December and March. The Sea Urchin Zone Council recommended the selection of these particular days with exception of December 15 for the early dive season and December 8, 23 and 29 for the late drag season which were chosen for consistency with the 38 day calendars.

ANALYSIS AND EXPECTED OPERATION OF THE RULE: Persons participating in the urchin fishery will be required to adhere fishing season and swipe card requirements established through the rule.

FISCAL IMPACT OF THE RULE:

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