

DEPARTMENT OF MARINE RESOURCES
Chapter 8 Landings Program
8.20 Harvester Reporting
P. Urchin Harvest (Zone 1)

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

This regulation, Chapter 8.20(P), expires May 1, 2012.

Note: M.R.S.A. would be replaced by M.R.S. throughout the entire chapter.

Basis Statement

Chapter 8.20(P) Landings Program, Harvester Reporting, Urchin Harvest (Zone 1)

These regulations institute mandatory trip and area level harvest reporting by Zone 1 urchin harvesters. The Sea Urchin Zone Council (SUZC) voted to recommend mandatory harvester reporting by Zone 1 harvesters at their March 18, 2010 meeting. Their intention is that these fishery-dependent data will improve our understanding of the urchin resource by augmenting the data obtained through port sampling, dealer reporting and dive survey programs.

The discussion was brought to the SUZC by the SUZC Research Subcommittee. The Research Subcommittee is interested in establishing benchmarks that would indicate when Maine's urchin population has changed enough to warrant management adjustments (fishing effort increase or decrease). They believe these data may help improve our understanding of the resource and improve our confidence in our resource assessment.

This rule would apply to Zone 1 harvesters only for the following reasons:

- The SUZC requested that only Zone 1 harvesters be required to report.
- This is being proposed as a pilot program. The Department is interested in evaluating the data received and the costs of the program prior to considering expansion to Zone 2.
- The SUZC is particularly interested in augmenting data in Zone 1. Whereas urchin populations have a "patchy" distribution and because the resource is less abundant in Zone 1, they believe the data would be more meaningful than in areas of greater urchin abundance.

The Department is interested in improving our understanding of the urchin resource, and is particularly interested in harvest area information not currently captured by our other data collection efforts.

Comments were solicited on all aspects of the rule. The Department indicated particular interest in comments pertaining to fine-scale area effort information. For instance: are the data provided likely to be accurate, and would harvesters be willing to supply multiple entries each day (separate entries for each dive/drag area fished).

To address the comments regarding the reporting of location precision, the proposed rule would be amended in two ways, 1) drop the requirements for reporting the finer scale of location, and instead will require that a point in the center of the fishing area be reported (which will be described in the reporting instructions), similar to the scallop fishery reports; and 2) added a sunset at the close of the next season in order to evaluate the results of this pilot program prior to determining whether or not it should be continued.

Summary of Comments

Chapter 8.20(P) Landings Program, Harvester Reporting, Urchin Harvest (Zone 1)

Six persons from the general public attended the public hearings. No additional written comments were received. The summarized comments and Department's responses follow the individual summarized comments.

Hearing attendees – W. Boothbay Hbr

Adam Johns, Woolwich (Zone 1, diver)
Brian Soper, Harpswell (SUZC Zone 1, diver)
Caitlin Cleaver, Orono (graduate student)
Brian Preney, Falmouth (diver) (comments provided in writing)
DMR: M. Hunter, H. Bray, MPO Boord, L. Churchill

Hearing attendees – Ellsworth

Bill Sutter, Wiscasset (dragger, SUZC Chair)
Bill Trotter, Bangor Daily News (reporter)
DMR: T. Brawn, H. Bray, L. Churchill

Individual summarized comments:

Brian A. Preney, Harpswell, Zone 1 diver, SUZC Research sub-committee member, read written comment:

It is unfortunate that I must provide testimony against the proposed rule-making (Chapter 8.20(P)), since I was perhaps the origin of the request for such harvester reporting in Zone 1. However, the text contains a level of detail that neither I, nor any other prudent fisherman must ever provide to any other entity.

Zone 1 divers are now experiencing a re-growth of the biomass of green sea urchins, which is triggering a reversal of the [phase] change which made it difficult for re-growth in the last decade. This reversal is happening naturally, perhaps because of reduced pressure by less divers, but in no way promoted by the actions of man or science. This grow out is currently happening everywhere, but noticeably, in random patches throughout Zone 1. Zone 1 divers who have survived the extended ten-day restrictions, are experiencing catch per unit efforts much higher than in years past. By harvesting sustainably, Zone 1 divers are leaving sufficient biomass on the bottom to allow for sustained growth and barren production. Surviving Zone 1 divers know where these productive areas are and must protect the locations from other intrusions. It is their right to maintain this information personally. They have earned it by their careful stewardship of the areas during the ten-day season hardship.

I offered the prospect of Zone 1 harvester reporting because despite available science that suggests that Zone 1 could safely withstand as many as thirty fishing days, the Maine DMR insists on holding the ten-day restriction. I am a member of the committee that proposed this rule-making, and the only members who wish to have degrees minutes and seconds reporting, are the members of the DMR. A broader description of the fishing area is acceptable because, after all, the idea of the reporting is merely to demonstrate the upward curve in catch per unit effort. The idea was not to give the DMR more information with which they could promote other management agendas for which they have neither the money, nor the expertise to carry out. Detailed information was provided in the scallop industry. The result was irresponsible closings and the prospect for further zones and bottom leases. No thank you!

I would support the proposed rule-making if the area reporting was broadened to a river, or a bay, or even a lobster zone designation. Many days, I fish a twenty-mile area with multiple dives. Since I do not have loran or GPS on my boat, I would have to have a notepad out constantly in order to record the information. That is not practicable. Saying "Damariscotta River", or Pemaquid Point, gives the DMR more than enough information to carry out their task, since, last

time I knew, they had no task which required further information. If they need more information, the DMR should tell us which on-going study requires it and which entity would be using it. I do not believe their answer would be one considered in the best interests of the surviving Zone 1 divers.

Plus: clarified intent of lobster management zone designation such as Zone A, B, C, etc. I just know that degrees, minutes and seconds, 99% of the urchin divers do not have the equipment to even do that [GPS]. It is not even anything we could do unless you're saying we need to equip, for 10 days, for somebody to buy a \$1,200-1,500 piece of equipment to do it, I don't think is going to happen. That will just put more people out of business. I'm not going to do it, I'll make something up. If that is what you really want us to do then that is what we will do. I just think it would serve the fishery and achieve the goal that was, or what we wanted to do with this, was if we just went to a more broad designation, which would be fine.

Brian Soper, Harpswell (SUZC Zone 1, diver)

Along with Brian Preney I sort of created this. We went along with it. We backed it but what we said adamantly, we don't have the equipment to do this. All the guys that called me are all shook-up because they have to produce this information. We don't carry these things on our boats. So what you are doing is creating a law that we have to break. We have enough of those already... You take out, like Brian said, I think the lobster zones are pretty good. I think there are 13 of them in the state, I'm not sure [there are 7 lobster zones]. Or you could get a little bit closer with an area or bay. But lobster zones are as close as we need to get. We're getting a count of the urchins that are being taken in the general area. We don't need the exact location. Telling us we have to do this, what it does is, it forces us to break the law; we don't have the ability to get this information, and who's to say that anybody even knows how to do that. Meaning that how do you know that all the fishermen know how to read a chart and can do latitude and longitude? You people are way assuming way too much from us fishermen. It shows you how out of touch you are with our fishery that we actually use charts... You're talking about people in skiffs, open boats with no electronics whatsoever...you assume we all have this equipment which is wrong.... It is a bad assumption... Yes, I've used a chart personally but I'm not speaking for myself. I'm speaking for the people I represent, remember I'm a council member, I represent the people in the room, and I represent the people around me and that is why I'm here. I'm not, yes I can use a chart; you think I can use a chart. But I don't carry the equipment to do this what you're asking me to do. I jump in an open boat in September, that's why I dive in September. I go out and I dive. I don't carry any equipment with me and I don't plan to buy an expensive GPS for my small open boat and that is what you'd require me to do right here and you're asking me, what you're doing is creating a law that I'm going to break. I think that is really poor. So all we're asking is basically one thing stricken from this and I don't think the guys don't have a problem with doing log books. That is not the problem. They just don't want to tell that kind of a location. They'd give a bay, like we said we can use the, one of the best things right now is the way the state is divided up for lobster zones. I did have people contact me, and that is why I'm here today... Some people would have a hard time writing a letter.

Adam Johns, Woolwich (Zone 1, diver)

I believe in both of them [Brian S. and Brian P.] 100%. I know 6 other divers now that would sign anything that they just said in a minute. I could get a hold of every single diver in Zone 1, I'm sure everyone of them would sign the same thing. Reading over this briefly, you want hull id numbers, latitude, longitude, I've been fishing for 25 years, quit 8 years at the Iron Works and jumped on a dragger one night and I know how to read loran, I know how to read charts, I know how to do it all too but I fished for urchins, scallops, tuna, I've been out Jeffrey's, Sagadahoc Ledge, I've been 4-5 places outside, and I've had some awful horror stories. I've been clamming, musseling, periwinkle and blood worming, I live on the water I know every point of land but as far as latitude longitude I can car less. So I'm definitely not buying no loran. If you want to supply me one you're going to have to teach me how to run it and then I'll probably screw it up anyway after I beat it with a hammer cause I couldn't figure it out. It is kinda of difficult, I was captain of the draggers program then one night I woke up, kinda fell asleep at the wheel steaming and the next thing I knew Matinicus was in front of us. The bottom alarm went off and we was coming up fast and a big hard turn so we punched in the wrong numbers so we probably would have all died that night.

Back to the reporting, did you come up with a new number for the price? The last numbers you gave us at the last meeting in Wiscasset was \$39K or \$49K for this out of our money. [M. Hunter: There was an informal SUZC meeting in Wiscasset to discuss the logbooks.] It was supposed to be the public hearing but you guys messed up the date. You said Tuesday or Thursday the 18th and it was actually Tuesday so nobody could make it so you decided to have the second public hearing on it now which is here and then everyone that has done all the investigating has said you guys think you're stuck with this and there is nothing nobody can do so everybody is waiting for phone calls as soon as we walk out of here tonight. They all want to separate from Zone 2. [LC: You started by asking about the price of something, can you tell me what is was?] This reporting that you're going to have us do. [M. Hunter: The budget for the Landings Program for the logbooks.] The surcharge money... [how much it would take from the surcharge money]. [Answer: \$10K per year] That's less than \$39K that was on paper. [B. Preney: \$39K was the survey costs.] Basically the money was going to be used for paperwork and this guy at the head of the table, older fellow, [Dr. Harris] said that the urchins were coming back at Isle of Shoals. He said he's been doing these studies for 20 years and the reason you want the studies is to supposedly to find out what the biomass is but... [B. Soper: The SUZC requested the study.] I know I've talked to Bill Sutter. He seemed to be for it so I said I told him I was for it but I still kinda question some of the things on here about latitude, longitude, the hull

id number, what is all this, why do we have to do all this and then it says you want the buyers number. It kinda sounds like you're trying to catch the buyer in something, maybe he might make a mistake. You're trying to hang him. [M. Hunter: Both the buyer and the harvester report and the information should agree and this is the way to cross check the reporting.] I guess for \$10K, I was thinking it was \$39K, is a lot better. At this point we really want to work to freeze this budget up. Put it in escrow for the next year, 2.9%, \$200K and what that equals out to. We'll talk next year about the money, where it is going to go because right now we have a new governor hopefully to come in. There may be some changes because this is what the new governor, people want from the new governor and big wholesale buyers, a lot of people, DMR's tweaked a lot of people, and I'm glad I'm not the only one. By taking our surcharge money and spending it on jobs for you guys that are irrelevant to a lot of us even though somebody may think so it is a good way to grab money, I know the DMR just took 2 million dollars from the shellfish industry for 2008 disaster money because the economy was good. A lot of Friday's by the afternoon I've got about \$30 in my pocket, come Monday morning I'm flat broke, no cigarettes, no gas, trying to make a few dollars to get through the day with 2 kids. If I was all happy with lots of money I would probably would either be more boisterous against some of your waste because we've been talking for years about a lot of things, dragging, the destruction of the bottom, I'm a mussel harvester, I see what the damage is from the mussel harvesters, I talk to every scientist there is, the guys that do the leases and down here and everybody is starting to realize that dragging is bad. Lobstering has about had it, these draggers have been killing lobsters for years, and the DMR just stands by to say in the air to say we're not going to fix it. Yet they all know this is such a hazard that the diver could be put to work. Now because of the disaster relief money, I work for 4 months trying to set up something with Atchan Tamaki about buying cucumbers and conks and there's no reason why and that is one reason why if this fishery does come up that was an exclusive done for Zone 1 divers. Not for Zone 2, Zone 2 maybe can get involved with it later. I just don't feel that DMR should be spending any of that money now. If the urchin council thinks that this money should be spent on that then I agree with what they want to do I've got no problems with it. I don't think we should do the loran. I think you're getting a little testy and it looks like you're trying to hammer somebody by wanting dealer ID numbers and like he said a lot of people I've got enough paperwork to deal with at the house. I had to dig for about an hour to find this stuff that I've got stashed with landings for commercial fish for bait that I'm not even fishing. I'm not doing this to be a secretary and I ain't got a secretary to do it for me so I work hard enough to worry about something like this and you guys hammering me whatever happens over at like he said you want us to lie. I don't have a loran; I ain't had a loran for ever. I go about anywhere on the coast and know where I am though. I can say I was out in Boothbay Harbor somewhere, east side, west side but the loran thing is a little bit much. If you're getting the landing from us what's already been brought up it's guys don't want everybody to know where we're fishing. There's got to be something that says this anybody can pick that up and read and say he's doing 14 trays there and they're doing 6 over there but if I'm doing 14 trays here and somebody's doing 6 across the harbor you got I don't know how many acres that is in between here and there but what are you going to do about that, no knows nothing. This report thing is redundant as far as I'm concerned. Why waste the money except to create a job. That is what you guys seem to be good at. Taking our 2 million dollars really tweaked a lot of people out. Not to get anywhere with the different fisheries now because of the disaster relief money that is such a hornets nest was raised over that David Etnier himself called me right up on the phone screaming at me so my wife could hear him hollering you forget about 2008 money and said we decided to give you all of 2009 money if and when it comes in except for \$10k administrative costs. I says well now I've got you on the phone I've talked to everybody now Margaret Hunter, Brawn, all kinds of people about this fishery for that. Atchan wants to buy 100,000 lbs a day that is a lot of money and that is not even including the conks and we had it all set up, trial fishery December, January and February and March, four months and because of this disaster relief money coming up I stood up such a hornets nest trying to work on getting this other fishery going that David said forget it. You know the drill go through legislation. OK you want to play games like that I don't take well to being pushed like that and you guys all know that and I feel I got a right to fell the way I do because I don't think it is right. If the council wants this that's fine with me at this point I think you should go by what they say not what you guys say and you guys seem to twist things really bad. They say we needed more days we didn't get more days. Five years in a row we paid the same price as Zone 2 divers did and they've got more days in the first year then we've got in four years and we're paying the same amount of money. I don't like the idea that a guy lives a mile down the road from me making 3 times more money than I am and I could out dive this guy any day of the week and I'm displaced worked that's what I feel like. I've been laid off in 20 different fisheries in the last 25 years of fishing since I quit 8 years of the Iron Works I've been laid off in 20 different fisheries. This right her I feel like you guys are laying me off. You guys want it for yourself, you want this stock so you can say to somebody the federal government somebody we got all these urchins out here and ha, ha we shut these guys down. That's what I feel like and a lot of people I tell it too feel the same way and they all say you guys are wrong and you should fix it.

Summary of comments

1. The requirement to report degrees, minutes and seconds is unacceptable as it is too costly to purchase a GPS (at \$1,200-1,500) or Loran for the fine scale "seconds" and not practical for use in open boats or skiffs most divers use. The cost of equipment will put folks out of this fishery.

A broader scale area location should be acceptable for determining catch per unit effort as requested by the SUZC members. If seconds level reporting is required I'll make something up. This creates a law we are forced to break. Why do you need latitude and longitude?

Response: *The Department has often warned that catch rates do not always provide a useful index of stock abundance for this fishery (e.g Hunter et al 2005). Our port sampling interviews have shown an increase in catch rates in Zone 1 in the past two seasons, which probably have more to do with incomplete sampling, less efficient harvesters dropping out of the fishery, a lack of competition among those who remain, and recent market forces encouraging the harvest of quantity over quality, than improving stock conditions. It is also possible to over-fish, while having a stable or even increasing catch rate, by moving the fishing operation often and leaving behind a depleted resource, and there are several classic examples of this in the fisheries literature. Zone 1 council members requested this program in order to prove that they were fishing sustainably and that the stock is recovering, by showing that they could fish continuously in one area without moving, while maintaining a high or improving catch rate. Without detailed fishing location information, this will be impossible to show. Costly electronic devices are not necessary to determine detailed latitude and longitude – they can be read off a nautical chart or an inexpensive GPS device. However, if the commenters are representative, it is unlikely that the information provided will be accurate. Therefore, DMR has amended the proposed rule in two ways, 1) to drop the requirements for reporting the finer scale of location, and instead will require that a point in the center of the fishing area be reported (which will be described in the reporting instructions) similar to the scallop fishery reports; and 2) added a sunset at the close of the next season in order to evaluate the results of this pilot program with the SUZC. The Department is concerned that the SUZC may have unrealistic expectations concerning what these data can accomplish. Even if these data suggest stable or increasing catch rates, this evidence alone will not prove that the stock is recovering for the reasons listed above. For this reason, this data collection program is proposed as a one-year pilot program.*

2. Why do you need hull ID?

Response: *The number of boats involved in a fishery is a standard measure of fishing effort, and is also an important economic factor. The number of divers per boat is also of interest to managers.*

3. Why do you need the dealer's ID and isn't this redundant reporting with the dealer's reports?

Response: *Dealers are already required to report trip level information from all harvesters from which they buy. Harvester and dealer reports provide an important means to validate and audit the data submitted; they act as a check against one another. In addition, dealer reporting provides the market information that the harvester reports do not (market, grade, disposition and ex-vessel value). Harvester reporting provides the effort information the dealer reports do not (number of hours fished, total gear in water, and area fished).*