

# Basis Statement

## Chapter 26.07(2) Sea Urchin Harvesting Season ~~2008-2009~~ 2009-2010 – Zone 2

In 2004, survey results and computer models showed the lowest sea urchin biomass in Zone 2 since the fishery began. The stock had declined to about a sixth of its original size. According to annual surveys in 2005 - 2008, there has been no significant improvement since 2004. Given our experiences in Zone 1, the rapid decline of this stock in both zones, the sea urchin's biological requirements, and the consistent over-fishing and decline of sea urchin stocks worldwide, the Department advocates caution. Therefore the 2009-2010 sea urchin harvesting season will be the same number of days as the previous 45 day season.

Due to continuing poor stock conditions in Zone 2 the short season is designed to allow limited participation by harvesters without seriously threatening stock recovery. The degree of the continued season reduction (compared with the 94-day 2003-04 season) will impose hardship upon Maine's sea urchin industry in the short term. However, no alternative regulatory approach is available at this time that would lessen the economic burdens imposed upon the regulated citizens, without jeopardizing the viability of the urchin stock for the future.

Following the recommendations of the Sea Urchin Zone Council (SUZC) the Commissioner implements the dates selected by the Council for the Zone 2 season.

## Summary of Comments

No persons from the general public attended the public hearings. Three written comments were received primarily regarding Zone 1 that are copied below.

### Written comments:

#### **Clinton Richardson, Zone One Diver, Tender Zone Two, Phippsburg**

I am a zone one diver and would really like to protest having days for the coming season running with zone two. Because zone one only has ten days I believe you should protect them against the volume zone two will put on the market. The only reason we get good prices is because the market is not flooded. Also I tend a zone two diver that does not care for diving in September. The quality of the urchins is not that good at that time. Please see if you can change a few of the days to keep us separate. Thank-you.

#### **Kathy Richardson, Phippsburg**

I'm writing to ask you to please reconsider the plan of running the days of zone one and zone two urchin divers together. To protect the market for zone one divers, zone two can not be open. Zone two will flood the market and put zone one divers out of business. Our family depends on income from urchin diving for a substantial amount of our yearly income and this could really affect our livelihood.

#### **Joe Leask, Zone 2 Diver, Bath**

Please modify the proposed schedule. I feel zone one has sacrificed enough, and if we can't at least leave Sept. to them ALONE, then grant them days without competitors (zone 2, early). The proposed schedule cuts 4 days off my urchin season. It would have the early zone one and two divers diving on 4 of the same days in September. This will result in my loss of four days of work, as I tend a zone 1 diver in the early season. He also loses 4 days! I ask that they be moved them to the end of December, during the last week.

Please keep in mind that Japan's economy is worse than our own, and loading up on days in Sept, may very well flood the market, (as has been done in previous seasons during a three day week!!) Furthermore, four less days means less work for other businesses we support by diving. This is a relatively minor change, with the parties in zone 2 early season who want September getting that. It gives zone one divers who tend zone two divers back 4 days. And vice versa. It would allow zone two (early) to have the opportunity to dive during the historically high price week in December after Christmas.

We need to give us the longest possible season in order to have the best chance of strong prices. Don't put all our eggs in one basket!

Thank you for your consideration in this matter

#### **Separate the Zone 1 and Zone 2 Early Season 4 day overlap.**

**Response:** *The proposed season was recommended by the Maine Sea Urchin Zone Council, at a meeting April 30, 2009 at which 12 members and additional participants in the urchin industry were present. After considerable discussion and input from those present, the council voted unanimously for the Zone 1 and Zone 2 early seasons proposed here. There*

was also a letter to DMR from a major Maine processor handed out at that meeting, specifically requesting more open days in September than there had been in recent years. The following points were made by those present and is the basis for not changing the days requested:

September is an important month for Maine processors to establish their presence in the Japanese market for the coming winter season.

- Few other countries are able to provide urchins to Japan at that time of year. Maine processors can make money in September.
- If only Zone 1 is open, there are too few harvesters to meet the market demand; prices paid to them are inflated and processors lose money, which they will try to make up later in the season.
- There probably won't be many urchins from Quebec available to Maine processors this September.
- In the past two years, two or three Maine urchin processors have gone out of business, which hurts everyone.
- The council recognized that Zone 1 harvesters only get 10 days to fish, and would like to see them get high prices for their product, but artificially high prices and not enough product to meet the processors' needs hurts the whole industry, including Zone 1 in the long run.

## Chapter 26 - Sea Urchin Regulations

### 26.07 Sea Urchin Harvesting Season ~~2008-2009~~ 2009-2010 pursuant to 12 M.R.S.A. §6749

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

##### A. Early season for divers, trappers and, ~~rakers and draggers~~

The Zone 2 season for divers, trappers and, ~~rakers and draggers~~ who have certified the early season on forms provided by the Commissioner, is open ~~Mondays, Tuesdays and Wednesdays in the month of October 2008; and Mondays, Tuesdays and Wednesdays in the month of November 2008; and Mondays, Tuesdays and Wednesdays in the month of December 2008 except December 24 and 31 is closed; and January 5 to 7, January 12 to 14, and January 19, 2009, inclusive.~~ Wednesdays, Thursdays and Fridays plus Tuesday the 29<sup>th</sup> in the month of September 2009 except September 2, 3 and 4 is closed; and Mondays, Tuesdays and Wednesdays in the month of October 2009; and Mondays and Tuesdays plus Wednesday the 18<sup>th</sup> in the month of November 2009; and Mondays, Tuesdays and Wednesdays in the month of December 2009 plus Thursday, December 17 except December 28 to 30, 2009 is closed.

##### 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 Mondays, Tuesdays and Wednesdays in the month of October 2009; Mondays, Tuesdays and Wednesdays in the month of November 2009 except November 25 is closed; Mondays, Tuesdays and Wednesdays in the month of December 2009 plus Thursday, December 17 except December 30 is closed; and Mondays, Tuesdays and Wednesdays in the month of January 2010 except January 19, 20, 25, 26 and 27 is closed.

##### ~~C~~B. Late season for divers, trappers, rakers and draggers

The Zone 2 season for divers, trappers, rakers, and draggers who have certified the late season on forms provided by the Commissioner, is open ~~December 15 to 17, December 22 and 23, and December 29 and 30, 2008, inclusive; and Mondays, Tuesdays and Wednesdays in the months of January, February, and March, 2009.~~ Mondays, Tuesdays and Wednesdays in the month of December 2009, plus December 17, except December 1, 2 and 30 is closed; Mondays, Tuesdays and Wednesdays in the months of January, February and March 2010 except February 3, 10 and March 24, 29, 30 and 31 is closed.

##### ~~D~~C. 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 1<sup>st</sup> and ~~September~~ August 15<sup>th</sup> change that certification to the other time period as the time period in which that person will fish for or take sea urchins.

## 2009 - 2010 Sea Urchin Season For Maine Zone 2

= Open       = Closed

### Early Season for Divers, Rakers, and Trappers

September 2009						
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 2009						
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 2009						
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 2009						
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 Dragger

October 2009						
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 2009						
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 2009						
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 2010						
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, Draggers, Rakers, and Trappers

December 2009						
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 2010						
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 2010						
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 2010						
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			