

Chapter 24 - Importation of Live Marine Organisms

24.10 Permit Issuance Criteria For Shellfish

- D. The following geographical areas shall be considered restricted areas for the particular species listed:
6. Maine. All coastal waters within the State of Maine shall be a restricted area for the European Oyster, (*Ostrea edulis*). All territorial waters between Ocean Point, Linekin Neck, Boothbay to Pemaquid Point, Bristol shall be a restricted area for the American oyster, (*Crassostrea virginica*).

**Note: The genus of MSX cited in Appendix A is proposed to be updated as it has been changed in the scientific literature:**

APPENDIX A  
(Molluscan bivalves)

**AMERICAN OYSTERS** (*C. virginica*)

D *MinchiniaHaplosporidium nelsoni* (MSX)

## Basis Statement

Chapter 24.10(D)(6), Maine – Restricted area for American oyster; and Appendix A

This rulemaking is necessary to protect the American oyster resources (aquaculture and wild) from unusual damage and or imminent depletion that would be caused by continued uncontrolled movement of infected oysters throughout Maine's waters. The confirmed presence of MSX in the primary location of Maine's shellfish aquaculture industry is a very serious concern for the future of the industry in Maine.

The adopted regulations finalize, through the regular rule-making process, changes that became effective with the adoption of the emergency rules that added the territorial waters between Ocean Point, Linekin Neck, Boothbay to Pemaquid Point, Bristol to the list of restricted areas for the movement of the American oyster (*Crassostrea virginica*) due to presence of MSX. The 3mm size exemption adopted in the emergency regulation has been removed in this rulemaking because all sizes of American oyster are susceptible to infection, and any movement from within any restricted area requires a permit prior to movement/introduction in accordance with Chapter 24.05.

## Summary of Comments

A public hearing was held December 1, 2010 in West Boothbay Harbor. No persons from the public attend the hearing. Department personnel have responded to questions received by telephone and email, a representative example is included below from Bill Mook who also attended an industry informational meeting held October 20<sup>th</sup> at the Darling Marine Center in Walpole prior to the rulemaking.

Bill Mook, Mook Sea Farms, Inc., Walpole

Is this what was decided at the Darling Center meeting? How does this apply to our hatchery seed sales in state/out of state? How is this going to affect testing of genetic stocks from the UMO Breeding program? Can we include some wording about exempting seed transfers from approved water treatment systems? This is how broodstock quarantine systems are handled. It could be one annual permit.

Response:

Yes, the proposed rule text is what was discussed at the meeting, October 20, 2010. This rule will be followed up with another rulemaking pending results of the MSX snapshot surveillance survey.

Regarding hatchery seed sales in state/out of state: for export out of state you will still need to follow the permitting/testing as required by the importing state; in state sales from restricted areas product from those areas require permitting and testing, as described in the *existing* Chapter 24 rules.

Regarding the affect of testing of genetic stock from the UMO Breeding program; the proposed rulemaking does not apply to genetics per se. Anything imported requires permitting and testing as has always been the case in accordance with the existing regulations.

Regarding exempting seed transfers from approved water treatment systems; at the October 20<sup>th</sup> meeting the discussion indicated that seed oysters are also susceptible to MSX therefore the industry members present agreed to drop the seed size exemption. Exemptions for water treatment were not requested to be included in this round of rulemaking. Since the Department's plan is to have another round of rulemaking following the survey, whether to include this should be discussed at that time.