

Department of Marine Resources
NOTICE OF AGENCY RULE-MAKING PROPOSAL

**RULE TITLE: Chapter 2.90 Limited-purpose aquaculture (LPA) license –
Amend to add Marine Algae (Seaweeds)**

CONCISE SUMMARY: Marine algae or seaweed species are proposed to be added the list of authorized species for culture by limited-purpose aquaculture license holders.

STATUTORY AUTHORITY: [12 M.R.S. §6072-C](#)

PUBLIC HEARINGS:

City Hall (Auditorium), One City Hall Plaza, Ellsworth (**The Zone 2 season proposed rules will be followed by proposed season and reporting rules for Zone 1; see separate rulemaking notices.*)
Following the urchin season hearings for Chapter 26 there will be hearings each night for proposed rulemaking in Chapters 11 (scallops), 25 (lobster), 34 (groundfish) and 2 (seaweed aquaculture), in the order listed, starting immediately upon the conclusion of the hearing for the previous chapter.

DEADLINE FOR COMMENTS: July 25, 2011

To ensure consideration, comments must include your name and the organization you represent, if any. Please be aware that any risk of non-delivery associated with submissions by fax or e-mail is on the sender.

AGENCY CONTACT PERSON: Jon Lewis (207-633-9594) or Laurice Churchill (207-633-9584)

Mail Written Comments to attn: L. Churchill

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(Deaf/Hard of Hearing) Hearing facilities: If you require accommodations due to disability, please contact Amanda Beckwith, at (207) 287-7578.

Additional information:

The development of seaweed culture, particularly kelp production, for LPA license holders has been requested by industry through special license applicants and the aquaculture industry in response to interest in the culture of seaweeds as food or food supplements. Other examples include as polishing wastewater effluent from coastal municipal sewage treatment plants, habitat restoration, feedstock production for value added products and even biofuel precursors. Adding seaweeds to the LPA authorized species list would allow small business entrepreneurs to more quickly test the waters for the various applications instead of applying for an exemption to the regulations and laws by requesting special licenses for commercial activities.

Proposed rulemaking – see underlined or ~~deleted~~ text below:

Chapter 2 - Aquaculture Lease Regulations

2.90 Limited-purpose aquaculture (LPA) license

2. Application requirements

B. Sources

Shellfish stock or seed may be obtained from either wild sources, hatcheries, or nurseries, with the exception of stock or seed of Hard Clam / quahog (*Mercenaria mercenaria*), Hen Clam (*Spisula solidissima*), or Soft shelled clam (*Mya arenaria*). Hatcheries or nurseries are the only permitted sources for these clam species, unless the Department issues a shellfish transplant permit that authorizes the collection of undersized animals. Marine algae (all seaweeds such as reds, greens, browns or kelps) shall be obtained or cultured from stock originating in Maine coastal waters.

F. Site Plans

(2) Gear description:

If gear is to be used, the applicant shall indicate which of the following authorized gear will be used, and include an overhead view and cross-sectional elevation view of the gear that includes specifications on all mooring equipment to be used. Aquaculture gear, other than the list of equipment described in this section, may not be used. The descriptions are generalizations of the physical appearance, purpose and uses of each type of gear and are not a substitute for a project specific description with the dimensions of the gear to be used on site. All dimensional information on the mooring equipment contained inside and outside the boundaries must be included pursuant to 12 M.R.S.A. §6072-C(5)(E)(2).

(J) Marine algae - seaweed

Gear may include rope, rafts with ropes attached, bags, long lines (vertical or horizontal), or rope grids. Ropes or bags may be placed on the surface or submerged.

3. Site Limitations

C. DMR Water Quality Program Closure Areas

- (1) LPA license sites may not be located within 300 feet of any closure boundary line.
- (2) LPA license sites may only be located in areas that are classified as approved, conditionally approved, restricted, or conditionally restricted, pursuant to DMR regulations Chapters 95 and 96.

(4) Exemption for marine algae

The boundary line and prohibited area prohibitions in Chapter 2.90(3)(C)(1 and 2) above do not apply to the sole culture of marine algae. If the LPA site species list includes molluscan shellfish authorized according to Chapter 2.90(2)(B) this exemption does not apply.

4. Authorized ~~Shellfish~~-Species

An LPA license may be issued only for the cultivation of the following shellfish species: Blue Mussel (*Mytilus edulis*), Hard Clam / quahog (*Mercenaria mercenaria*), Hen Clam (*Spisula solidissima*), American or Eastern oyster (*Crassostrea virginica*), European Oysters (*Ostrea edulis*, Sea scallop (*Placopecten magellanicus*), ~~and the~~ Soft shelled clam (*Mya arenaria*); and for marine algae (all seaweeds, including kelp). Notwithstanding 12 M.R.S.A. §6001 (41), for purposes of Chapter 2.90, the terms "shellfish" and "seed" include sea scallops (*Placopecten magellanicus*). Notwithstanding 12 M.R.S.A. §6001 (41), for purposes of Chapter 2.90, the terms "shellfish" and "seed" include sea scallops (*Placopecten magellanicus*).