

SPECIAL CONDITIONS**K. PROTECTION OF ATLANTIC SALMON**

The permittee is required to employ a fully functional Containment Management System (CMS) designed, constructed, operated, and audited so as to prevent the accidental or consequential escape of fish from the facility.

Each CMS plan must include:

1. a site plan or schematic;
2. site plan description;
3. procedures for inventory control, escape response; and unusual event management;
4. provisions for employee training, auditing methods, and record keeping requirements; and
5. the CMS must identify critical control points where escapes could potentially occur, specific control mechanisms for each of these points, and monitoring procedures to verify the effectiveness of controls.

The CMS site specific plan must also describe the use of effective containment barriers appropriate to the life stage of the fish. The facility must have in place both a three-barrier system for fish up to 5 grams in size and a two-barrier system for fish 5 grams in size or larger.

The three-barrier system must include one barrier at the incubation/rearing unit, one barrier at the effluent from the hatch house/fry rearing area and a third barrier placed in line with the entire effluent from the facility. Each barrier must be appropriate to the size of fish being contained. The two-barrier system must include one barrier at the individual rearing unit drain and one barrier in line with the total effluent from the facility. Each barrier must be appropriate to the size of fish being contained. Barriers installed in the system may be of the screen type or some other similarly effective device used to contain fish of a specific size in a designated area. Barriers installed in the system for compliance with these requirements must be monitored daily.

Facility personnel responsible for routine operation must be properly trained and qualified to implement the CMS. Prior to any containment system assessment associated with this permit, the permittee must provide to the Department documentation of the employees' or contractors' demonstrated capabilities to conduct such work [*ICIS code 21599*].

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On or before six months following the effective date of this permit [ICIS code 53799] the permittee must submit the CMS plan to the Department, the National Marine Fisheries Service (NMFS) within the National Oceanic Atmospheric Administration (NOAA), United States Fish & Wildlife Service (USFWS), and the DMR for review and approval and must maintain a current copy of the plan at the facility. Final approval of the plan will be determined by the Department. **The permittee may not bring eggs or any size fish into the facility until the final CMS plan is approved by the Department.**

The CMS must be audited at least once per year and within 30 days of a reportable escape by a third party qualified to conduct CMS audits and approved by the Department [ICIS code 63899]. A written report of these audits must be provided to the facility and the Department for review and approval within 30 days of the audit being conducted [ICIS code 43699]. Any time that a CMS audit identifies deficiencies, the written report must contain a corrective action plan including a timetable for implementation and provisions for re-auditing, unless waived by the Department, to verify completion of all corrective actions.

Additional third party audits to verify correction of deficiencies must be conducted in accordance with the corrective action plan or upon request of the Department. The facility must notify the Department upon completion of corrective actions.

The permittee must maintain for a period of at least five (5) years complete records, logs, reports of internal and third party audits and documents related to the CMS.

Compromised containment/Escape reporting. The permittee must notify by electronic mail (e-mail) the persons listed under the Escape Reporting Contact List (provided in this subsection) of any known system failures that compromise fish containment or suspected escape of any fish within 24 hours of becoming aware of the known or suspected loss.

The permittee must include in its e-mail notification the following information:

- 1) site location (town and waterbody);
- 2) date of event (or window of possible dates if exact date is unknown);
- 3) time of event (if known or specify unknown);
- 4) species (including strain);

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- 5) estimated average weight;
- 6) age of escaped fish;
- 7) number of escaped fish (or if exact number is not possible, an estimate);
- 8) medication profile;
- 9) details of the escape;
- 10) corrective action(s) taken or planned;
- 11) and a contact person (including phone number) for the facility which is subject of the known or suspected escape.

Escape Reporting Contact List:

The agency contacts on this list may be revised by the state and/or federal agencies by provision of written notification to the permittee and the other agencies. Upon notice of any such change the permittee must notify all persons on the revised list in the same manner as provided in this protocol.

Army Corps of Engineers

Maine Project Office, Peter Tischbein, Peter.Tischbein@usace.army.mil

Maine Department of Environmental Protection

Regional Compliance Inspector, Clarissa Trasko, Clarissa.Trasko@maine.gov

Maine Department Marine Resources

Secretary to the Commissioner; Amy Sinclair; Amy.Sinclair@maine.gov

Marine Scientist, Division of Aquaculture, Marcy Nelson, Marcy.Nelson@maine.gov

Director, Division of Sea-Run Fisheries, Sean Ledwin, Sean.M.Ledwin@maine.gov

Maine Department of Inland Fisheries and Wildlife

Commissioner, Judy A. Camuso, Judy.Camuso@maine.gov, or current Commissioner

National Marine Fisheries Service

Maine Field Station; David Bean, David.Bean@noaa.gov

United States Fish & Wildlife Service

Maine Field Office; Wende Mahaney; Wende_Mahaney@fws.gov