

NOTICE OF AGENCY EMERGENCY RULE-MAKING

AGENCY: Department of Marine Resources

CHAPTER NUMBER AND TITLE: Chapter 34.07 Atlantic Halibut Emergency Regulation

CONCISE SUMMARY:

In order to remain within the State Waters subcomponent's target catch of the federal annual catch limit, and to prevent the Allowable Biological Catch from being exceeded and Accountability Measures being triggered, Maine is taking this emergency action to reduce catch in the state waters halibut fishery by reducing the length of the state waters halibut season by one week at each end of the season (resulting in a season of May 18-June 13). This action is intended to protect and conserve the halibut resource in compliance with the federal management plan and avoid future implementation of accountability measures which include zero possession of Atlantic halibut by all federal permit holders. For these reasons, the Commissioner has determined that it is necessary to take this emergency action under 12 M.R.S. 6171(3)(C).

EFFECTIVE DATE:	May 6, 2020
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DEPARTMENT OF MARINE RESOURCES

CHAPTER 34 GROUND FISH

34.07 Atlantic Halibut (*Hippoglossus hippoglossus*)

A. Season for Maine's Territorial Waters.

The open season to fish for Atlantic Halibut in Maine's territorial waters shall begin at sunrise May ~~14th~~ 18th and end at sunset June 13th ~~20th~~.

Basis Statement

The Commissioner adopts this emergency rulemaking to reduce landings of Atlantic halibut in the 2020 state waters fishery. Atlantic halibut is regulated by NOAA Fisheries as part of the Northeast Multispecies Fishery Management Plan. It is also subject to requirements of the Magnuson-Stevens Act which requires that landings remain within an allowable catch. If that catch limit is exceeded, the fishery will be subject to management controls, called accountability measures, that prevent catch limits from being exceeded, or correct for overages if they occur.

The total allowable catch of Atlantic halibut is 106 metric tons (mt) for the upcoming federal fishing year. The state sub-component, which is a target established by NOAA for halibut landed in state waters, is 21 mt. In 2018, the Maine State waters fishery reported approximately 29.7 mt of landings. Discard calculations added an additional .9 mt, for a total 30.7 mt attributed to Maine state waters. The federal fishery is highly constrained as federal vessels are already limited to just one fish per trip. The federal fishery has come very close to its limit in recent years as well. In order to stay within the sub-component level of 21 metric tons, Maine must achieve a 30 percent reduction in halibut landings.

If the total Annual Catch Limit for Atlantic halibut is exceeded, the accountability measure requires that any vessel issued a federal permit, including a federal lobster permit, be subject to zero possession of Atlantic halibut in the following fishing year. This would significantly reduce access to the Atlantic halibut fishery for many Maine commercial fishermen. For these reasons, the Commissioner hereby adopts an emergency regulation to reduce the state waters Atlantic halibut season in accordance with 12 MRS §6171(3)(C).

Rule-Making Fact Sheet

(5 M.R.S., §8057-A)

AGENCY: Department of Marine Resources

NAME, ADDRESS, PHONE NUMBER OF AGENCY CONTACT PERSON:

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CHAPTER NUMBER AND RULE: **34.07 Atlantic Halibut**

STATUTORY AUTHORITY: **12 M.R.S. 6171(3)(C).**

DATE AND PLACE OF PUBLIC HEARING: NA; Emergency Rulemaking

COMMENT DEADLINE: NA; Emergency Rulemaking

PRINCIPAL REASON(S) OR PURPOSE FOR PROPOSING THIS RULE: [see §8057-A(1)(A)&(C)]

This action is intended to protect and conserve the halibut resource in compliance with the federal management plan and avoid future implementation of accountability measures which include zero possession of Atlantic halibut by all federal permit holders.

IS MATERIAL INCORPORATED BY REFERENCE IN THE RULE? ___YES___X___NO [§8056(1)(B)]

ANALYSIS AND EXPECTED OPERATION OF THE RULE: [see §8057-A(1)(B)&(D)]

The rule will reduce the length of the halibut season by seven days on each end of the season, resulting in a season of May 18th to June 13th.

BRIEF SUMMARY OF RELEVANT INFORMATION CONSIDERED DURING DEVELOPMENT OF THE RULE (including up to 3 primary sources relied upon) [see §§8057-A(1)(E) & 8063-B]

Analysis of halibut landings data trends in recent years, consultation with industry via electronic surveys, and input from Marine Patrol.

ESTIMATED FISCAL IMPACT OF THE RULE: [see §8057-A(1)(C)]

Enforcement of this amendment would not require additional activity in this agency. Existing enforcement personnel will monitor compliance during their routine patrols.

FOR EXISTING RULES WITH FISCAL IMPACT OF \$1 MILLION OR MORE, ALSO INCLUDE:

ECONOMIC IMPACT, WHETHER OR NOT QUANTIFIABLE IN MONETARY TERMS:

[see §8057-A(2)(A)]

INDIVIDUALS, MAJOR INTEREST GROUPS AND TYPES OF BUSINESSES AFFECTED AND HOW THEY WILL BE AFFECTED: [see §8057-A(2)(B)]

BENEFITS OF THE RULE: [see §8057-A(2)(C)]

Note: If necessary, additional pages may be used.