

NOTICE OF AGENCY EMERGENCY RULE-MAKING

AGENCY: Department of Marine Resources

CHAPTER NUMBER AND TITLE: Chapter 36.01; Herring Management Plan

CONCISE SUMMARY:

For Management Area 1A, Sub-ACL Trimester 2 (June 1 – September 30), Atlantic herring may only be landed from Management Area 1A on days that have been designated landing days by the Atlantic States Marine Fisheries Commission (ASMFC). All vessels landing herring caught in Management Area 1A in any Maine port will be limited to fishing for and landing herring only on days designated by the Atlantic States Marine Fisheries Commission herring section, which are designated as three consecutive days until June 30, then four consecutive days per week beginning July 1. Landing days begin on Sunday of each week at 6 pm. All vessels landing herring caught in Management Area 1A in any Maine port are limited to one landing per 24 hour period (6 pm to 6 pm). For the purpose of this subsection, “landing” shall be defined as follows: To come to shore, float, or a dock and offload herring. The Commissioner hereby adopts this emergency regulation as authorized by 12 M.R.S. §6171(3).

EFFECTIVE DATE: June 22, 2016

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Chapter 36.01 Herring Management Plan

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(2) Catch quota and effort restrictions.

Fishing for herring in ASMFC Management Areas 1A, 1B, 2 and 3 is subject to the ~~sub-a~~Annual Total Allowable Catch (TAC)-Catch Limit (ACL) and fishing effort restrictions specified by the ASMFC Atlantic Herring Section and the NEFMC in accordance with their respective Fisheries Management Plans (FMP). The ~~TAC-ACL~~ is established annually by July 1 for the following year by ASMFC and NEFMC. Any reduction in the harvest will be determined in consultation with the ASMFC and NEFMC.

Herring permitted license holders shall be informed by public notice in a newspaper circulated in the area affected of any effort reduction dates.

Atlantic herring may only be fished for, taken and landed on days that have been designated landing days by the Atlantic States Marine Fisheries Commission (ASMFC) ~~as described in Chapter 36.01(D)(2) above.~~ Until June 30, 2016, vessels may fish and land herring three consecutive days per week, beginning at 6 pm Sunday. All vessels landing herring caught in Management Area 1A in any Maine port during Sub-ACL Trimester 2 (June 1 – September 30) are limited to one landing per 24 hour period (6 pm – 6 pm).

For the purpose of this section, “landing” shall be defined as follows: To come to shore, float or a dock and offload herring; or to transfer herring at sea to a vessel utilizing the herring for bait. Harvester vessels may offload herring to a carrier vessel only on designated fishing and landing days at any time.

Exception: License holders and vessels landing herring taken from Management Area 1A with fixed gear are not subject to the designated fishing and landing days.

Basis Statement

Based on observations made during the 2015 herring fishing season, the Commissioner determined that fishing efforts were not distributed across the open fishing season, which resulted in depletion of herring supply. Early landing reports indicate that the concentration of fishing effort in Management Area 1A may deplete the herring supply as early as July. In order to effectively slow the rate of harvest, the Commissioner is restricting harvesting days to the same days that are designated as landing days by the Atlantic States Marine Fisheries Commission.

Summary of Comments

NA

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: Chapter 36.01

STATUTORY AUTHORITY: **12 M.R.S. §6171 and §6192**

DATE AND PLACE OF PUBLIC HEARING: NA

COMMENT DEADLINE: 7/22/2016

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

Based on observations made during the 2015 herring fishing season, the Commissioner determined that fishing efforts were not distributed across the open fishing season, which resulted in depletion of herring supply. Early landing reports indicate that the concentration of fishing effort in Management Area 1A may deplete the herring supply as early as July. In order to effectively slow the rate of harvest, the Commissioner is restricting harvesting days to the same days that are designated as landing days by the Atlantic States Marine Fisheries Commission.

IS MATERIAL INCORPORATED BY REFERENCE IN THE RULE? YES NO [§8056(1)(B)]

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

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]

For Management Area 1A, Sub-ACL Trimester 2 (June 1 – September 30), Atlantic herring may only be landed from Management Area 1A on days that have been designated landing days by the Atlantic States Marine Fisheries Commission (ASMFC). All vessels landing herring caught in Management Area 1A in any Maine port will be limited to fishing for and landing herring only on days designated by the Atlantic States Marine Fisheries Commission herring section, which are designated as three consecutive days until June 30, then four consecutive days per week beginning July 1. Landing days begin on Sunday of each week at 6 pm. All vessels landing herring caught in Management Area 1A in any Maine port are limited to one landing per 24 hour period (6 pm to 6 pm). For the purpose of this subsection, “landing” shall be defined as follows: To come to shore, float, or a dock and offload herring. The Commissioner hereby adopts this emergency regulation as authorized by 12 M.R.S. §6171(3).

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