

NOTICE OF AGENCY RULE-MAKING ADOPTION

AGENCY: Department of Marine Resources

CHAPTER NUMBER AND TITLE: Chapter 34.07 Atlantic Halibut Season

CONCISE SUMMARY:

In May 2020, the Department of Marine Resources adopted an emergency rule in order to remain within the state waters subcomponent of the federal Annual Catch Limit, and to prevent accountability measures from being triggered if the Allowable Biological Catch is exceeded. The Department incorporates the emergency changes via this regular rule. This rule reduces 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.

ADOPTED RULE NUMBER:

(LEAVE BLANK-ASSIGNED BY SECRETARY OF STATE)

EFFECTIVE DATE:

(LEAVE BLANK-ASSIGNED BY SECRETARY OF STATE)

AGENCY CONTACT PERSON: Amanda Ellis (207) 624-6573
AGENCY NAME: Department of Marine Resources
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 Augusta, Maine 04333
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Please approve bottom portion of this form and assign appropriate MFASIS number.

APPROVED FOR PAYMENT _____	DATE: _____				
FUND AGENCY S-UNIT APP OBJT AMOUNT					
<i>Please forward invoice to: Natural Resource Service Center, 155 SHS, Augusta</i>					
010	13A	1120	10	4946	regulations

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

In May 2020, the Department of Marine Resources adopted an emergency rule in order to remain within the state waters subcomponent of the federal Annual Catch Limit, and to prevent accountability measures from being triggered if the Allowable Biological Catch is exceeded. The Department incorporates the emergency changes via this regular rule. This rule reduces 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.

Summary of Comments

On January 12, 2021, the rule was posted on the DMR website. Notice of the proposed rulemaking appeared on January 13, 2021 in the five major daily newspapers as published by the Secretary of State; and electronic messages were sent to individuals who subscribe to DMR notices. A public hearing was not held. The comment period closed February 12, 2021.

DMR did not receive any comments on this proposal.

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 34.07 Atlantic Halibut

STATUTORY AUTHORITY: 12 M.R.S.A §6171

DATE AND PLACE OF PUBLIC HEARING(S): None scheduled

COMMENT DEADLINE: February 12, 2021

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.

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)]

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 in Spring 2020, and input from Marine Patrol.

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

Enforcement of these proposed amendments will 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.