

NOTICE OF AGENCY RULE-MAKING ADOPTION

AGENCY: Department of Marine Resources

CHAPTER NUMBER AND TITLE: Chapter 8 Halibut Harvester Reporting

ADOPTED RULE NUMBER:
(LEAVE BLANK-ASSIGNED BY SECRETARY OF STATE)

CONCISE SUMMARY:
This rule updates the frequency of harvester reporting for Maine’s halibut fishery, implementing a requirement for commercial harvesters to submit trip level harvester reports on a weekly basis during the halibut season for Maine’s territorial waters. Harvester reports must be submitted via an approved electronic mechanism no more than two days after the end of each reporting week. The data elements required in the harvester report remain unchanged.

EFFECTIVE DATE:
(LEAVE BLANK-ASSIGNED BY SECRETARY OF STATE)

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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

Please forward invoice to: Natural Resource Service Center, 155 SHS, Augusta

010 13A 1120 10 4946 regulations

F. Atlantic halibut (*previously in Chapter 34.10(1)(B)(4)(b)(vi)*)

Persons who ~~obtain an~~ are authorized to commercially fish for Atlantic halibut ~~endorsement~~ in the territorial waters of Maine will be required to submit trip level catch reports on a weekly basis during the halibut season for landings from Maine's territorial waters. If no halibut landings occurred during the week, a negative catch report is required. The reporting week begins on Sunday at 0001 hrs (12:01 AM) local time and ends Saturday at 2400 hrs (12:00 midnight). Reports must be submitted by midnight Monday, two days after the end of each reporting week, including the week following the last day of the season. Harvesters shall submit catch reports to DMR through an approved electronic reporting mechanism. ~~maintain a log.~~ The ~~log~~ catch report must include the following information:

1. Harvester name & landings number
2. Boat name and hull ID
3. Designate negative report period if no harvesting activity occurred
4. Date fished & landed
5. Number of crew (including captain)
6. Gear type and quantity
7. Number of sets
8. Set time (hours gear fished)
- 8-A. Total number of hooks fished
9. Depth (in fathoms)
10. Area fished
11. Sea time (including steaming time)
12. Species caught including bycatch and sub-legal halibut, quantity & unit of measurement
13. Total length of halibut retained or released
14. Research tag number of halibut released or recaptured
15. Landings number of dealer sold to or if not sold to a licensed dealer, disposition of catch
16. Port landed
17. Signature written or electronic

Rule-Making Fact Sheet

(5 M.R.S., §8057-A)

AGENCY: Department of Marine Resources

NAME, ADDRESS, PHONE NUMBER OF AGENCY CONTACT PERSON:

Amanda Ellis, Department of Marine Resources, 21 State House Station, Augusta, Maine 04333-0021 Telephone: (207) 624-6573; web address: <http://www.maine.gov/dmr/rulemaking/>

CHAPTER NUMBER AND RULE: Chapter 8 Landings Program Halibut Reporting

STATUTORY AUTHORITY: 12 MRS 6173

DATE AND PLACE OF PUBLIC HEARING(S): February 10, 2022, 5:00 p.m., in-person at the Marquardt Building, room 118, 32 Blossom Lane, Augusta; or remotely via Microsoft Teams. Remote access information is posted to DMR's website under "Meetings." An alternate public hearing may be held at 4:00 p.m. on February 11, 2022 at the same location/format. Notice of a cancellation would be posted to DMR's website.

COMMENT DEADLINE: February 21, 2022

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

The purpose of this proposed rulemaking is to update the harvester reporting requirements in Maine's halibut fishery, namely to implement weekly harvester reporting during the halibut season for Maine's territorial waters. Harvester reports must be submitted via an approved electronic mechanism no more than two days after the end of each reporting week. The elements required in the harvester report remain unchanged.

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)]

This proposed rule is expected to increase the frequency of reporting by halibut harvesters, aiding in the submission of timely harvester reports to DMR and improved landings monitoring by DMR policy staff.

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]:

Information considered during development of this rulemaking includes feedback offered from DMR Landings Program staff and current management measures associated with Maine's halibut fishery, including the season length.

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.

Basis Statement

This rule updates the frequency of harvester reporting for Maine’s halibut fishery, implementing a requirement for harvesters to submit harvester reports on a weekly basis during the halibut season for Maine’s territorial waters. Harvester reports must be submitted via an approved electronic mechanism no more than two days after the end of each reporting week. The data elements required in the harvester report remain unchanged. This rule is necessary to provide better data about in-season halibut landings to help ensure Maine stays within its quota and to reduce the number of late reports. Exceeding quota allocations can have a variety of negative implications for Maine’s halibut fishery. Based on a public comment received, Maine DMR modified the proposed language to clarify that the requirement is for the submission of trip level catch reports on a weekly basis, as opposed to a single accrued weekly report, and to indicate that this requirement applies to those who are commercially fishing for halibut.

Summary of Comments

Notice of this proposed rulemaking appeared on January 19, 2022 in the five major daily newspapers as published by the Secretary of State. On January 18, 2022, the proposed rule was posted on the DMR website. On January 19, 2022 electronic messages were sent to individuals who subscribe to DMR notices. Electronic notice was also provided to industry members, who provided the Department with an email address. A public hearing was held at 5:00 p.m. on February 10, 2022. In-person and remote participation options were offered for the hearing. No members of the public attended the hearing in-person, so the persons listed below elected to participate remotely. The comment period closed on February 21, 2022.

February 10, 2022 Public Hearing

Name	Affiliation
Megan Ware, Robert Watts, Deirdre Gilbert, Blaise Jenner, William DeVoe and Amanda Ellis	Maine Department of Marine Resources
Roger Woodman	Member of the Public

The Department received the following comments:

Roger Woodman, February 10, 2022, Public Hearing

I support the proposal and I think more timely reporting and the ease of the electronic app is going to be helpful for the resource, data collectors, and the harvesters. Thanks a lot.

Robert Watts, February 17, 2022, received via email

I would like to comment and clarify what should be required for the commercial halibut harvesters. The regulation being proposed should indicate that daily trip level reports are due weekly. The way the proposed regulation is currently written is not clear on this. I would also like to clarify that the Landings Program has only collected halibut landings data from commercial harvesters.

Department’s Response

The Department agrees that a clarification of the proposed language is necessary to explain that the requirement is for commercial harvesters to submit trip level catch reports on a weekly basis. This was done by clarifying the regulatory language to say that this requirement applies

to harvesters who are authorized to commercially fish for halibut and by modifying the language to read that harvesters are “required to submit trip level catch reports on a weekly basis” as opposed to requiring the submission of “weekly catch reports”.