

NOTICE OF AGENCY RULE-MAKING ADOPTION

AGENCY: Department of Marine Resources

CHAPTER NUMBER AND TITLE: Chapter 45.05 Shrimp Season Closure – Proposed Regulations

PROPOSED RULE NUMBER:

(Leave blank - Assigned by Secretary of State)

CONCISE SUMMARY:

On December 7, 2015, the Atlantic States Marine Fisheries Commission's (ASMFC) Northern Shrimp Section approved a moratorium for the 2015-2016 shrimp fishery. This action was taken in response to the findings of the 2015 Stock Status Report, indicating current fishable biomass is the lowest on record. The Northern Shrimp Technical Committee (NSTC) evaluated a suite of indicators including fishery performance, survey indices of abundance and biomass, and environmental conditions. Despite the marginal increase in the recruitment index in 2014, the population continues to meet the criteria defining a collapsed stock. For these reasons, the Department enacted emergency rule-making to prevent the taking of shrimp. This rule-making would make the emergency rule-making permanent.

THIS RULE WILL ___ WILL NOT X HAVE A FISCAL IMPACT ON MUNICIPALITIES.

STATUTORY AUTHORITY: 12 M.R.S §6171

EFFECTIVE DATE: March 7, 2016

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DEPARTMENT OF MARINE RESOURCES
Chapter 45 – Shrimp

45.05 Shrimp season

1. Shrimp Season-2013

A. Harvest and transport

(1) Closed Season.

There is no season for shrimp.

It ~~shall be~~ is unlawful to fish for, or take by any method, or to land, ship, transport, sell or possess any shrimp harvested from Maine's coastal waters, ~~except during the period from December 1 through May 31 of any year.~~

~~(2) Fishing Season~~

~~(a) It is unlawful for any person or vessel to fish for, take, land, transport or to have in possession any Northern Shrimp (*Pandalus borealis*) except as specified in this section:~~

~~Individuals may participate in either the trap or trawl fishery but cannot land shrimp with more than one gear type in the season. Participation in the fishery (i.e. landing shrimp) with one gear type forfeits an individual the opportunity to land with the other gear type for the remainder of the shrimp fishing season.~~

~~Trawl Fishery: The total allowable catch for trawl vessels is 539.02 metric tons. The season shall open January 22, 2013 and vessels are prohibited from fishing for and/or landing shrimp on any day other than Mondays and Wednesdays. On authorized trawl fishing days, it shall be lawful to fish for or take shrimp between sunrise (as defined in 12 M.R.S. § 6001(45)) and 1100 hours. Shrimp fishing must be stopped and nets secured no later than 1100 hours on such authorized trawl fishing days. Vessels are prohibited from landing shrimp more than once per calendar day and there is no daily trip limit for trawl vessels. Notwithstanding Chapter 45.05(1)(A)(1) above, the season will end at any time when the ASMFC Northern Shrimp Section (Section) has determined that 85% of the 539.02 metric ton catch level for the trawl fishery has been reached.~~

~~Trap Fishery: The total allowable catch for trappers is 80.54 metric tons. Vessels may set baited traps beginning 0001 hours on February 3, 2013 but may not haul or land shrimp until 0001 hours February 5, 2013 when the trap season opens. Vessels are prohibited from hauling and/or landing shrimp on any day other than Monday, Tuesday, Wednesday, Thursday, Friday, and Saturday. Vessels are prohibited from landing more than 800 lb. per calendar day. Notwithstanding Chapter 45.05(1)(A)(1) above, the Northern shrimp trap~~

~~season will end at any time when the Section has determined that 85% of the total 80.54 metric tons catch level for the trap fishery has been reached.~~

~~The Commissioner may implement additional adjustments to the effort control measures (days out, trip limits, time limits, trap limits, etc.) based upon pre-season research surveys and updated landings information. License holders shall be informed by public notice in a statewide newspaper of general circulation regarding the season end date or adjustments to effort controls.~~

~~(b) Shrimp traps must be removed from the water no later than 5 days after the season is closed and no shrimp may be retained from traps hauled after the close of the season.~~

~~(c) On non-landing days, it is unlawful to fish for or land any shrimp during the entire 24 hour day; and it shall be prima facie evidence that any shrimp landed or possessed by harvesters during that period were taken during a closed day.~~

~~(d) It shall be unlawful to cull, grade, separate or shake shrimp, aboard any vessel, except by implements operated solely by hand. It is illegal to possess, aboard any vessel, any powered mechanical device used to cull, grade, separate or shake shrimp.~~

~~(3)~~ (2) Exception;

Any shrimp may be possessed, transported or sold during the closed periods or seasons by dealers provided the shrimp were legally obtained and the dealer is properly permitted or licensed to engage in that activity.

B. Processing

It shall be unlawful to process shrimp in Maine except during the fishing season established in Chapter 45.05(1)(A)(2)(1).

(1) Exception.

A processor may process shrimp outside of the fishing season established in Chapter 45.05(1)(A)(2)(1) upon obtaining a permit from the Maine Department of Marine Resources.

(2) Documentation.

The Department of Marine Resources shall issue a permit to a shrimp processor for processing of shrimp outside of the fishing season established in Chapter 45.05(1)(A)(2)(1) if that processor produces documented evidence proving that the shrimp to be processed were lawfully harvested.

Basis Statement

Chapter 45.05 Shrimp Season Closure

In November 2014, the Atlantic States Marine Fisheries Commission (ASMFC)'s Northern Shrimp Section approved a moratorium for the 2015 commercial fishery in response to the 2014 Stock Status Report, indicating record low fishable biomass.

On December 7, 2015, the Section met to review the 2015 stock status update, receive Advisory Panel input, and set fishery specifications for the 2016 fishing season. In developing the 2015 stock status update, the Northern Shrimp Technical Committee (NSTC) evaluated a suite of indicators including fishery performance, survey indices of abundance and biomass, and environmental conditions. Abundance and biomass indices for 2012–2015 were the lowest on record of the thirty-two year time series. Recruitment indices for the 2010–2014 year classes were also well below average, and included the three smallest year classes on record. As a result, the indices of fishable biomass from 2013–2015 are the lowest on record. The recruitment index increased slightly in the 2014 survey (2013 year class), however, in 2015 the index dropped to the lowest in the time series. Recruits of the 2013 and 2014 year classes are not expected to reach exploitable size until 2017 and 2018, respectively. Despite the marginal increase in the recruitment index in 2014, the population continues to meet the criteria defining a collapsed stock.

At the December 7th meeting, a motion was passed to approve a moratorium for the 2016 shrimp fishery.

This rulemaking is necessary for the timely implementation of a closure in order to conserve the shrimp fishery from unusual damage that would be caused by any fishing effort. As authorized by 12 M.R.S §6171(3), the Commissioner of Marine Resources adopts this regulation due to the risk of unusual damage and imminent depletion of the shrimp resource that would occur if any fishing were to occur during a necessary closed season.

In accordance with 5 M.R.S. §8052, sub-§5-A a statement of the impact on small business has been prepared. Information is available upon request from the DMR Commissioner's office, State House station #21, Augusta, Maine 04333-0021, telephone (207) 624-6553.

SUMMARY OF COMMENTS

No Comments were received.

Rule-Making Fact Sheet

(5 M.R.S.A., §8057-A)

Rule-Making Fact Sheet

(5 M.R.S., §8057-A)

AGENCY: Department of Marine Resources

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CHAPTER NUMBER AND RULE: Chapter 45.05 Shrimp Season Closure – Proposed Regulations

STATUTORY AUTHORITY: 12 M.R.S. §6171

DATE AND PLACE OF PUBLIC HEARING: **None Scheduled**

COMMENT DEADLINE: **Friday, March 4, 2016**

PRINCIPAL REASON OR PURPOSE FOR PROPOSING THIS RULE:

In November 2014, the Atlantic States Marine Fisheries Commission (ASMFC)'s Northern Shrimp Section approved a moratorium for the 2015 commercial fishery in response to the 2014 Stock Status Report, indicating record low fishable biomass.

On December 7, 2015, the Section met to review the 2015 stock status update, receive Advisory Panel input, and set fishery specifications for the 2016 fishing season. In developing the 2015 stock status update, the Northern Shrimp Technical Committee (NSTC) evaluated a suite of indicators including fishery performance, survey indices of abundance and biomass, and environmental conditions. Abundance and biomass indices for 2012–2015 were the lowest on record of the thirty-two year time series. Recruitment indices for the 2010–2014 year classes were also well below average, and included the three smallest year classes on record. As a result, the indices of fishable biomass from 2013–2015 are the lowest on record. The recruitment index increased slightly in the 2014 survey (2013 year class), however, in 2015 the index dropped to the lowest in the time series. Recruits of the 2013 and 2014 year classes are not expected to reach exploitable size until 2017 and 2018, respectively. Despite the marginal increase in the recruitment index in 2014, the population continues to meet the criteria defining a collapsed stock.

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For these reasons, the Department enacted emergency rule-making to prevent the taking of shrimp. This rule-making would make the emergency rule-making permanent.

ANALYSIS AND EXPECTED OPERATION OF THE RULE:

The expected operation of the rule is to close the shrimp fishery for the 2015-2016 season, to prevent any removal of the resource and provide for the greatest opportunity for recovery of the stock.

FISCAL IMPACT OF THE RULE:

Enforcement of the proposed regulation would not require measurable additional activity in this Agency. Existing enforcement personnel would monitor compliance during their routine patrols.