

Department of Marine Resources
NOTICE OF AGENCY RULE-MAKING ADOPTION

CHAPTER # & TITLE: Chapter 45.05(1)(A)(2) Shrimp Season, 2011 – 2012, EMERGENCY Regulations

CONCISE SUMMARY:

These emergency regulations begin the process of establishing the 2011 – 2012 Northern Shrimp season in compliance with the Atlantic States Marine Fisheries Commission Northern Shrimp Fishery Management Plan, and voted upon by the ASMFC Northern Shrimp Section at a public hearing October 28, 2011 and conference call Nov., 30, 2011. Trawlers may start January 2, 2012 and may fish Mondays, Wednesdays and Fridays. Trappers may start February 1, 2012, may fish daily and shall have a 1,000 lb catch limit per vessel per day. Trawlers and trappers may only land once per day. When 95% of the catch limit of 2,000 mt (~4.4 million lbs) has been reached, notwithstanding Chapter 45.05(1)(A)(1), persons will be informed by public notice in a newspaper circulated in the general area of the season end date. The Section or Commissioner also reserved the option to adjust the effort control measures such as days out, trip limits, trap limits, time of day, etc. A public hearing will be held in the affected area if requested of the Commissioner in writing by 5 persons. The hearing will be held within 30 days of the Commissioner receiving the written requests.

EFFECTIVE DATE: *Monday, January 2, 2012*

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Basis Statement

This rule provides consistency with the Atlantic States Marine Fisheries Commission (ASMFC) Northern Shrimp Management Plan, based on the ASMFC's recommendations for the establishment of the 2011 - 2012 fishing season selected at its public hearing held October 28, 2011 in Portsmouth, New Hampshire and conference call November 30, 2011 specific to the open season days and resetting the initial in-season meeting date to evaluate landings. These regulations are based upon the best available stock assessment information as presented by the ASMFC Northern Shrimp Technical Committee, additional information presented by the Northern Shrimp Industry Advisory Panel, industry and public input.

This rule establishes a separate start date and closed periods for mobile gear (trawlers) and the harvest of Northern Shrimp by trap. Trawlers may start January 2, 2012 and may fish Mondays, Wednesdays and Fridays. Trappers may start February 1, 2012, may fish daily and shall have a 1,000 lb catch limit per vessel per day. Trawlers and trappers may only land once per day. The Atlantic States Marine Fisheries Commission's Northern Shrimp Section has set a catch limit of 2,000 mt (~4.4 million lbs) for the 2011-2012 season. Whereas shrimp harvest reporting has been increased for all dealers in the shrimp fishery to weekly, this will allow the Section members to review a more timely status of the harvest periodically and more frequently throughout the season. The goal is to monitor the harvest and establish an earlier season end date in the event 95% of the catch limit has been reached, notwithstanding Chapter 45.05(1)(A)(1), therefore providing greater conservation of the resource compared to the previous two seasons that were closed early and greatly exceeded the recommended season catch limit. The Section or Commissioner also reserved the option to adjust the effort control measures such as days out, trip limits, trap limits, etc., to prevent a derby-style season.

Also, a clarification has been added to define landing as it pertains to the once per day effort control, which will mean to come to shore, float or a dock and offload shrimp; or to transfer shrimp at sea to another vessel. This is intended to prohibit multiple trips during a calendar day negating the objective of the effort control.

This emergency rulemaking is necessary for the timely implementation of closure periods in order to conserve the shrimp fishery from unusual damage or imminent depletion that would be caused by increased fishing effort. As authorized by 12 M.R.S. §§6171, 6171(3) and 6192(4) the Commissioner of Marine Resources adopts this emergency regulation.

Adopted emergency regulations: Chapter 45, Shrimp - ***see underlined or deleted text below:***

45.05 Shrimp season

1. Shrimp Season-~~2010-2011~~2011-2012

A. Harvest and transport

(1) Closed season.

It shall be unlawful to fish for, or take by any method, or to land, ship, transport or possess any shrimp 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 fishing with nets or traps to fish for, take, land, transport or to have in possession any Northern Shrimp (*Pandalus borealis*) except between the following dates, inclusive:

~~136 day season: December 1, 2010 through February 28, 2011 at 11:59 pm~~

Trawlers start date: The season for fishing with nets shall open Mondays, Wednesdays and Fridays starting January 2, 2012. (The days open shall be as determined by the ASMFC Northern Shrimp Section.)* Vessels may only land shrimp once per day.

Trappers start date: The season for fishing with traps shall be open, daily, starting February 1, 2012 with a 1,000 lb catch limit per vessel per day. Vessels may only land shrimp once per day.

*Trawlers and Trappers season end date and effort controls: Notwithstanding Chapter 45.05(1)(A)(1) above, the Northern shrimp season for any person or vessel fishing with nets or traps will end at any time before May 31st when the ASMFC Northern Shrimp Section has determined that 95% of the 2,000 mt catch level has been reached. The Section or Commissioner may also implement adjustments to the effort control measures (days out, trip limits, trap limits, time of day, etc.). License holders shall be informed by public notice in a newspaper circulated in the area of the season end date or adjustments to effort controls.

- (b) Unbaited 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 closed 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.
For the purpose of Chapter 45, "landing" shall be defined as follows: To come to shore, float or a dock and offload shrimp; or to transfer shrimp at sea to another vessel.
- (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) 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.