

NOTICE OF AGENCY RULE-MAKING ADOPTION

AGENCY: Department of Marine Resources

CHAPTER NUMBER AND TITLE: Chapter 41.30 Menhaden Program; Limit Reduction.

Emergency Rulemaking

CONCISE SUMMARY: This measure would reduce the daily catch limit and carrier vessel

capacity from a maximum of 250,000 lbs. to 120,000 lbs. as approved by the Atlantic States

Marine Fisheries Commission (ASMFC) Atlantic Menhaden Management Board at its May 21,

2013 meeting. This reduction is due to implementation of an episodic fishery provision within

Amendment 2 to the Interstate Fishery Management Plan for Atlantic Menhaden.

Amendment 2 responded to the results of a recent stock assessment that concluded that overfishing is occurring. This Amendment established a new interim fishing mortality threshold

and target (based on maximum spawning potential or MSP) with the goal of increasing abundance, spawning stock biomass, and menhaden availability as a forage species. This approach is consistent with the recommendations of the most recent stock assessment peer

review panel.

The State of Maine is mandated to implement and enforce fisheries management plans of the

Atlantic States Marine Fisheries Commission (Commission) under the Atlantic Coastal Fisheries

Cooperative Management Act of 1993 (ACFCMA) in order to ensure the responsible and controlled harvest of menhaden in Maine waters. Controlling effort and fishing mortality through

reduced landings accomplishes this conservation effort. For these reasons and in order to ensure compliance with ASMFC Board action, the Commissioner of the Maine

Department of

Marine Resources adopts this emergency rulemaking action due to the risk of unusual damage

and imminent depletion as authorized in 12 M.R.S. §6171(3).

EFFECTIVE DATE: June 6, 2013