



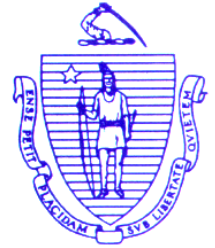
David E. Pierce, Ph.D.
Director

Commonwealth of Massachusetts

Division of Marine Fisheries

251 Causeway Street, Suite 400
Boston, Massachusetts 02114

(617)626-1520
fax (617)626-1509



Charles D. Baker
Governor

Karyn E. Polito
Lieutenant Governor
Matthew A. Beaton
Secretary

George N. Peterson, Jr.
Commissioner
Mary-Lee King
Deputy Commissioner

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Marine Fisheries Advisory

DMF Files Numerous Regulations Following Winter Public Hearings: Whelks, River Herring, Scup, Striped Bass, Tautog and Others New Rules

The Division of Marine Fisheries (DMF) has enacted new regulations following this winter's public hearings. These regulations were reviewed and approved by the [Marine Fisheries Advisory Commission](#) at their March 9, 2017 business meeting and go into effect on April 7, 2017. A brief description of these regulatory changes follows:

Whelk Management (322 CMR 6.21)

For the 2017 fishing season, all commercial fishermen fishing for or in the possession of knobbed or channeled whelks ("whelks") are required to possess a chute gauge measuring at least 2 7/8" internal width by 6" length by 1 1/2" wall height. To determine if whelks are of a legal size, they must be measured using the chute gauge with the operculum facing down and as flat as possible on the gauge and the siphonal canal in any orientation to the side walls of the gauge (see image). A whelk is considered sub-legal sized if it fits through the chute gauge using this method of measurement.



DMF sampling studies indicate that utilizing this chute gauge and method of measurement will result in an approximate 1/10" increase in the legal harvest size when compared to 2016, when a 3" chute gauge was used with the parallel method of measurement. This is consistent with DMF's proposal to biennially increase the legal harvest size by 1/8" beginning in 2017. DMF is currently conducting additional sampling to determine a biennial gauge increase that will result in bringing the legal harvest size to 50% size at maturity (3 7/8" shell width) by 2029. Future public hearings will be held in late-2017 or 2018 to enact this gauge increase schedule.

Dealers and processors are exempt from the legal harvest size standard for whelks caught and imported into the state from out-of-state dealers provided all containers have shellfish tags naming the state of origin. There is no legal harvest size standard for the recreational fishery.

Commercial fishermen are reminded that all containers of whelks must be tagged in accordance with [322 CMR 16.03](#). This includes, but is not limited to, having affixed to each container of whelks with a shellfish harvest tag measuring at least 13.8" square or 2 5/8" by 5 1/4" that legibly provides the name and permit number of the harvester, the date and time of harvest, the type and quantity of shellstock, and the state initials and shellfish growing area where the animals were harvested.

Note that DMF did not recommend to the MFAC, and is not enacting, a summertime conch pot haul-out period, nor a whelk fishery closure. DMF will continue to study interactions between fixed gear and sea turtles to determine what - if any - suitable future actions are necessary to address turtle entanglements in vertical lines. At this time, DMF is advocating that trap fishermen fishing in Buzzards Bay, Vineyard Sound and Nantucket Sound remove their gear from the water during late July through early September if it is not being actively fished.

Opening River Herring Spawning Runs (322 CMR 6.17)

New regulations were enacted that create standards for opening spawning runs to the harvest of river herring. For a spawning run to be opened, the run must have a Sustainable Management Plan that DMF has submitted to the Atlantic States Marine Fisheries Commission. Such a plan requires a minimum of 10-years of demographic data and biological targets such as spawning stock biomass, fish passage counts, mortality rates, repeat spawning ratios and juvenile abundances. At this time only the Nemasket Run in Middleborough and Lakeville has met the criteria for an ASMFC-approved plan. DMF will announce the future opening of spawning runs, but none will be opened in 2017

Once opened, the managing municipality will be required to issue annual harvest permits to named individuals and daily harvest receipts demonstrating the river herring harvest for that calendar day. Other rules apply to the possession of river herring taken by harvesters from spawning runs for personal use.

Commercial Scup Limits (322 CMR 6.28)

Several liberalizations are being made to the state's commercial scup limits. Draggers are allowed to retain and land scup seven days per week from May 1 through October 31 (or until the annual quota is taken) and during this period draggers are subject to a 10,000 pound weekly landing limit. This is designed to reduce regulatory discarding in mixed species trawl fisheries. Hook and line and pot fishermen are now allowed to retain and land scup seven days per week from July 1 through October 31 (or until the annual quota is taken). Lastly, the set-aside for the weir fishery has been increased from 275,000 to 300,000 pounds annually. Any portion of the weir fishery set aside that is not taken is available to other fishery participants.

Commercial Striped Bass Limits (322 CMR 6.07)

DMF has further clarified to whom the 15-fish and 2-fish commercial trip limits apply. Commercial striped bass fishermen are only authorized to take the 15-fish daily trip limit when fishing under the authority of a boat-based permit or commercial lobster permit and onboard the vessel named on the permit. All other commercial striped bass fishing activity will be subject to the 2-fish daily trip limit. This includes all shore-based commercial fishing, including shore-based commercial fishing conducted under the authority of a boat-based or commercial lobster permit. Fishermen are reminded that the daily limits for quota managed species apply to the permit, vessel and individual per calendar day regardless of how many permits are held.

Spring Commercial Tautog Season (322 CMR 6.40)

The spring commercial tautog season quota has been shifted to the fall. Beginning in 2017, the commercial fishery for tautog will remain closed until September 1. The state's entire commercial tautog quota is now allocated to this fall fishery. Tautog may not be retained or possessed in excess of the 3-fish recreational bag limit or sold until the start of the commercial fishery. No changes were made to the 16" minimum size limit or 40-fish commercial limit.

Commercial Witch Flounder Trip Limits (322 CMR 6.03)

The commercial witch flounder (grey sole) state-waters trip limit has been reduced to 750 pounds. The prior limit was 1,000 pounds. This trip limit applies to all vessels fishing under the authority of a State-Waters Groundfish Endorsement or any federal groundfish permit holder fishing in state-waters. Federally permitted vessels may land larger amounts in Massachusetts ports provided they were lawfully taken from federal waters.

Mixing of Commercial and Recreational Fishing Trips (322 CMR 6.41)

DMF has enacted a regulation that clarifies the rules concerning fishing recreationally and commercially on the same trip. This activity will be prohibited. If a vessel or an individual is commercially fishing, then all catch on that vessel must conform to the state's commercial fishing regulations. Commercial fishermen are not allowed to retain recreational catch while commercially fishing. However, commercial fishermen are allowed to retain any portion of their commercial catch for personal use. Fish set aside for personal use and not sold must be reported on trip-level catch reports filed monthly.

DMF is making one exemption to this prohibition. This is to allow for the possession and sale of giant Atlantic bluefin tuna taken by rod and reel during a trip when other species were caught for recreational purposes. This activity is being accommodated to allow the occasional sale of giant tuna without encouraging the discarding of recreational catch.

Non Trap Structures to Catch Lobsters (322 CMR 6.02)

DMF has enacted a regulation that clarified the prohibition on the setting of materials on the ocean floor by SCUBA divers for purposes of attracting and retaining lobsters for eventual harvest. The on-the-water possession and/or setting of non-trap structures designed to attract lobsters is prohibited. This includes structures such as porcelain tanks and fabricated cement shelters.

Night Fishing in Conch and Fish Pot Fisheries (322 CMR 6.12)

The setting or hauling of conch pots and fish pots is prohibited. This restriction is similar to that already in effect for the lobster trap fishery. Gear may only be hauled, tended or set from 1/2-hour before sunrise to 1/2 hour after sunset.

Cancer Crab By-catch Limits for Net Fishermen (322 CMR 6.44)

The cancer crab (Jonah and rock crabs) by-catch limit for net fishermen has been increased to 1,000 crabs per trip, consistent with the interstate management plan for Jonah crabs. As this is a by-catch allowance, the weight of the cancer crabs may not exceed 50% of the total catch by weight of all fish retained during the trip. Net fishermen are reminded that in order to possess and land cancer crabs in Massachusetts, they must hold a commercial lobster permit.

Radar Reflectors on Gillnet Highflyers (322 CMR 4.04)

Gillnet fishermen are no longer required to affix radar reflectors to the highflyers marking the ends of the gillnet. Gillnet fishermen are reminded that the east end of the gillnet is to be marked with a highflyer and the west end is to be marked with a highflyer and a flag.

Trawl Fishery Measures (322 CMR 4.06)

Several minor changes were made to trawl fishery rules to complement existing federal regulations. First, the push-pull pressure for measuring large meshes has been increased from 5 kg to 8 kg. Second, a 1 7/8" minimum net mesh opening has been established for the state-waters squid trawl fishery.

Menhaden Trip Limit Thresholds (322 CMR 6.43)

Limited entry commercial menhaden permit holders will be able to land up to 125,000 pounds of menhaden until 85% of the quota is taken. Once this threshold is reached, the trip limit will be reduced to 25,000 pounds. The reduction of the trip limit from 125,000 pounds to 25,000 pounds previously occurred when 75% of the quota was taken.

Offshore Lobster Permitting

DMF now allows the transfer of the Offshore Lobster Permits for trap fishing. Transfers are limited to permit holders in good standing with marine fishery laws and regulations and who are transferring their permit in conjunction with a federal lobster trap permit and allocation. DMF will also issue new Offshore Lobster Permits for landing lobsters taken by trap from federal waters in Lobster Management Areas (LMA) 2 and 3. To be issued a new permit, the applicant must hold an existing federal lobster trap permit with allocation for LMA2 or LMA3, thereby ensuring that the issuance of the permit does not increase trap fishing effort in these waters.

These changes are expected to be published in the official code of Massachusetts Code of Regulations on April 7, 2017. Unofficial copies of DMF regulations are available on our [website](#). These regulations are updated periodically. For an official copy of DMF regulations please contact the [Massachusetts Secretary of State's Division of Publications and Regulations](#).