



David E. Pierce, PhD
Director

Commonwealth of Massachusetts

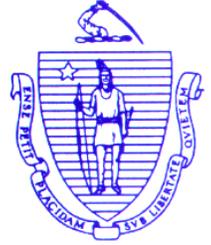
Division of Marine Fisheries

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

January 13, 2017

Public Hearing Notice:

Four Public Hearings and Comment Period Scheduled to Address Numerous Fishery Proposals

Under the provisions of M.G.L. c. 30A and pursuant to the authority found at M.G.L. c. 130 §§ 2, 17A, 17C, 21, 80 and 104, the Division of Marine Fisheries (DMF) and the Marine Fisheries Advisory Commission have scheduled public hearings and a public comment period to accept comment on draft regulatory proposals at 322 CMR 4.00, 6.00, and 7.00. Details regarding the public comment period and the public hearing schedule are provided at the end of this notice. A public hearing primer document will be published on [DMF's website](#) in advance of the hearings. The hearing proposals are as follows:

1. **Nantucket Mobile Gear Petition (322 CMR 4.06)**. Accept comments on a petition by Nantucket officials affecting mobile gear fishing around the island. This petition requests DMF adopt regulations that will enact:
 - a. **Mobile Gear Closures**: Close all waters within three miles of the Nantucket archipelago to all mobile gear fishing (i.e., dredge and trawl), except for dredge gear used to harvest shellfish managed by the town (i.e., bay scallops and bay quahogs) during the period of May 1 – October 31;
 - b. **Net Mesh Minimum Size in Squid Fishery**: Establish a minimum mesh size of 1 7/8" for the squid trawl fishery consistent with existing federal rules; and
 - c. **Prohibition on Use of Net Strengtheners**: Prohibit the use of net strengtheners in the squid trawl fishery.
2. **Other Proposals Affecting Trawl Fisheries (322 CMR 4.06)**. This proposed amendment would affect:
 - a. **Bycatch Allowance for Flounders in Squid Fishery**: Refine the allowance for flounders during the small mesh trawl fishery so that it does not list prohibited species (e.g., windowpane flounder); and
 - b. **Measurement of Large Net Meshes**: Require net meshes in large mesh fisheries be measured with the pressure or pull of 8 kilograms to conform state rules to existing federal rules.
3. **Knobbed and Channeled Whelk Conservation and Management (322 CMR 6.12 and 6.21)**. This proposed amendment affects:
 - a. **Minimum Size Management**:
 - i. Require the use an unmodified chute gauge matching certain DMF prescribed dimensions to determine the effective minimum size of whelks.
 - ii. Amend the mandatory orientation of the whelk in the chute gauge for the purpose of measurement from a "parallel method" to an "any orientation method."

- iii. For 2017 and 2018, minimum size compliance will be determined by measuring whelks with a 3” wide chute gauge and “any orientation” method”. This will result in an approximate 3/16” increase to the effective minimum size; and
 - iv. Increase the effective minimum size to 3 7/8” through five 1/8” increases and one 1/16” increase over 10 years through biennial adjustments that begin in 2019. These minimum size increases will correspond to gauge width adjustments that are to be specified by a Declaration of the Director prior to the start of the calendar year when the gauge width adjustment goes into effect.
- b. **Summertime Closure and Conch Pot Haul Out Period: From July 26 – September 6:**
- i. Prohibit the retention and landing of whelks by all gear; and
 - ii. Require all conch pot gear be removed from the waters of the Commonwealth.
4. **Opening Individual River Herring Runs (322 CMR 6.17).** This proposed regulation would provide DMF with the authority to open individual rivers to the harvest of river herring if they have an ASMFC approved sustainability management plan and specific permitting, harvest and identification requirements. The Nemasket River may be the first run to potentially open under this authority.
5. **Clarification on Commercial Striped Bass Limits (322 CMR 6.07).** This proposed amendment would limit all shore-based commercial fishing activity to a 2-fish limit. The 15-fish commercial striped bass limit will apply only to the holders of vessel based permits while fishing from the vessel named on the permit.
6. **Commercial Witch Flounder Limits (322 CMR 6.03).** This proposed amendment would reduce the state-waters commercial witch flounder trip limits from 1,000 pounds to potentially as low as 300 pounds to ensure state harvest remains within the federally allocated state-waters set-aside. This limit will apply to holders of the state Groundfish Endorsement and federal permit holders fishing in state-waters.
7. **Commercial Tautog Seasonal Quota Allocations (322 CMR 6.40).** This proposed amendment would eliminate the commercial spring fishery for tautog. The entire annual commercial tautog quota will be moved to the fall fishery that begins on September 1.
8. **Commercial Black Sea Bass Management (322 CMR 6.12 and 6.27).** This proposed amendment would:
- a. Adjust the number and sequence of commercial fishing days for black sea bass to extend the length of the commercial fishing season;
 - b. Clarify that applicable commercial trip limits apply by permit endorsement type; and
 - c. Reduce the sea bass trap limit from 200 to 100 beginning in 2018.
9. **Commercial Scup Regulations (322 CMR 6.28).** This proposed amendment would:
- a. Establish a weekly 10,000 pound commercial scup limit for trawlers and eliminate closed days for trawlers fishing during the May 1 – October 31 fishery.
 - b. Eliminate closed fishing days for all other gears (e.g., hook and line and pots) from July 1 through October 31.
10. **Horseshoe Crab Rules for Mobile Gear (322 CMR 6.34).** This proposed amendment would:
- a. Increase the horseshoe crab mobile gear trip limits from 300 crabs to 600 crabs effective no later than July 1; and
 - b. Exempt mobile gear fishermen from all or some of the springtime lunar closures.
11. **Commercial Menhaden Trip Limit Trigger (322 CMR 6.43).** This proposed amendment would liberalize the menhaden trip limit trigger by having the trip limit drop from 125,000 pounds to 25,000 pounds when 85% of the annual quota is taken. Currently trip limits are reduced from 125,000 pounds to 25,000 pounds when 75% of the annual quota is taken.

12. **Commercial Cancer Crab Limits for Gillnet and Trawl Gears (322 CMR 6.44)**. This proposed regulation would increase the by-catch allowance in non-trap gear from 200 crabs to 1,000 crabs per calendar day or per fishing trip, whichever is longer.
13. **Taking of Recreational Limits during Commercial Fishing Trips (322 CMR 6.41)**. This proposed amendment would either prohibit the taking of recreational catch during commercial fishing trips or provide nominal allowances for this activity subject to certain restrictions.
14. **Fish and Conch Pot Night Fishing Prohibition (322 CMR 6.12)**. This proposed regulation would prohibit the hauling or setting of fish or conch pot gear ½ hour after sunset to ½ hour before sunrise, similar to existing prohibitions on lobster and crab trap fishing.
15. **Artificial Structures Set to Catch Lobsters (322 CMR 6.02)**. This proposed regulation would prohibit commercial and recreational lobstermen from setting of non-trap structures (e.g., porcelain and cement containers) that are designed to attract lobsters and enhance their taking by SCUBA.
16. **Gillnet Highflyers (322 CMR 4.04)**. This proposed amendment would rescind the requirement that all sink gillnets surface buoys systems have a standard 12-inch tetrahedral corner radar reflector on one of the highflyers.
17. **Offshore Lobster Permit Transfers (322 CMR 7.06 and 7.08)**. This proposed regulation will establish transfer provisions and requirements for offshore lobster permit transfers.
18. **Bay Scallop Shucking Endorsement (322 CMR 7.01)**. This proposed amendment would correct the language establishing the bay scallop shucking endorsement to clarify that this permit endorsement authorizes shucking on only shore and not at-sea.

Instructions for Written Comments

Written public comments will be accepted until 5:00 PM on February 17, 2017. Please address all comments to Director David Pierce. Comments can be sent by e-mail to marine.fish@state.ma.us or by mail to 251 Causeway Street, Suite 400, Boston, MA 02114. To obtain a full copy of the draft regulations or the public hearing primer document, please visit our [website](#) or contact Jared Silva by phone (617-626-1534) or through e-mail (jared.silva@state.ma.us).

Public Hearing Schedule

<p>6:00 PM Monday, February 6, 2017 DMF Annisquam River Station 30 Emerson Avenue Gloucester, MA 01930</p>	<p>10:00 AM Wednesday, February 8, 2017 Tisbury Town Hall Katharine Cornell Theater 51 Spring Street Tisbury, MA 02568</p>
<p>6:00 PM Wednesday, February 8, 2017 MA Maritime Academy Admiral's Hall 101 Academy Drive Buzzards Bay, MA 02532</p>	<p>11:00 AM Monday, February 13, 2017 Nantucket Police Station Meeting Room 4 Fairgrounds Road Nantucket, MA 02554</p>