



David E. Pierce
Director

Commonwealth of Massachusetts

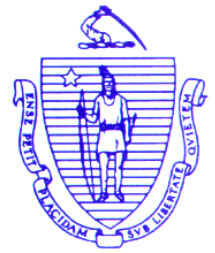
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January 19, 2016

Marine Fisheries Advisory

REMINDER ON NEW RULES AFFECTING RECREATIONAL LOBSTER AND CRAB FISHERMEN

For 2016, the Division of Marine Fisheries (DMF) has promulgated new regulations affecting recreational fishing for lobster and crab. These new regulations were developed to protect large whales from entanglements with recreational trap gear. These regulations were promulgated on a temporary basis under the Director's emergency authority and became effective on December 31, 2015. DMF is proposing to permanently codify these regulations through the formal rule making process.

Accordingly, a [public hearing](#) has been scheduled to take comment on these proposals. The hearing is scheduled for 11:00 AM on Saturday, January 23, 2016 at the Sea Crest Beach Hotel, 350 North Quaker Road, Falmouth, MA. Written public comment will be accepted through Friday, January 29, 2016 at 5:00 PM. All written comment should be addressed to Director David Pierce, and can be submitted via an e-mail to marine.fish@state.ma.us or sent to 251 Causeway Street, Suite 400, Boston, MA 02114.

New Rules to Protect Large Whales

Massachusetts waters are seasonally home to a number of protected large whale species, including the North Atlantic right whale and the humpback whale. Historically, DMF has regulated fixed gear fisheries to reduce the risk of injury and mortality resulting from whales becoming entangled in fixed gear. Additionally, certain gear modifications have been required to make fixed gear identifiable to certain fisheries, so that they can be better managed to further protect whales.

Typically, these rules are adopted at the federal level through the Atlantic Large Whale Take Reduction Plan (TRP) and then mirrored in state regulations. The federal TRP only regulates commercial fisheries. However, in certain instances, DMF has deemed it appropriate to have the implemented state regulations also apply to our recreational lobster and crab trap fisheries (e.g., weaklinks and endline marking).

The TRP was amended for 2015 and new rules were established to regulate commercial pot and trap fisheries. For a variety of reasons, DMF has determined it is appropriate to extend certain aspects of these new regulations to the recreational fishery in 2016.

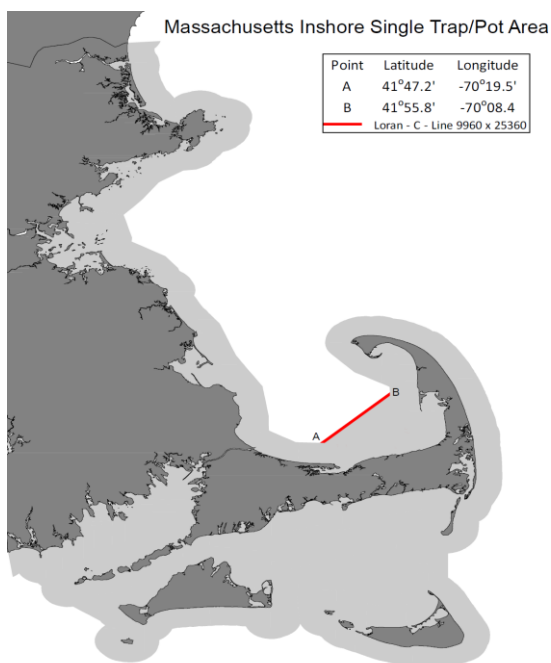
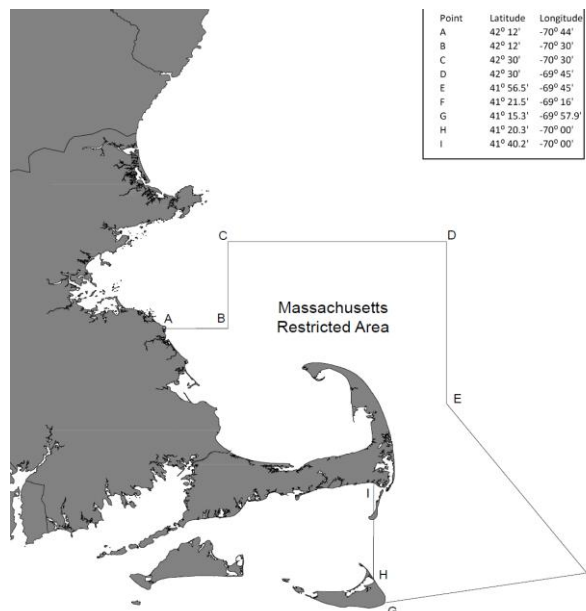
Massachusetts Restricted Area

During the late winter and early spring a large proportion of the North Atlantic right whale population migrates through the waters east of Cape Cod and into Cape Cod Bay where they aggregate to feed on high densities of zooplankton before continuing their annual migration northward. To provide these endangered whales with additional protections, commercial pot and trap gear fishermen are required to remove their gear from the waters of Cape Cod Bay, as well as certain waters of Massachusetts Bay and Eastern Cape Cod from February 1 – April 30.

DMF is similarly requiring all recreational lobster and crab trap fishermen to remove their gear from these waters during the February 1st – April 30th closure. Doing so will reduce the quantity of fixed gear within the closure to prevent entanglements. Moreover, it will enhance DMF’s ability to remove abandoned trap gear from the closure area, which in turn will reduce the risk of entanglement and reduce the presence of ghost gear (i.e., gear whose endlines become lost but the trap continues to fish) and marine debris. The coordinates for this closure are depicted in the Massachusetts Restricted Area map to the right.

Limits on Vertical Buoy Lines

To further limit potential entanglements year-round, a new requirement was implemented to reduce the number of buoy lines in the water column. This was done by prohibiting the setting of single pots and traps in certain offshore areas where there is more co-occurrence between whales and fishing gear.



Single pots and traps (“singles”) may be set and fished within all state-waters south and east of Cape Cod, as well as all waters within 3 miles from shore north of Cape Cod, with one exception. Singles may be set seaward of the three mile line along Billingsgate Shoal in Eastern Cape Cod Bay. This exempted area is bounded by a straight line as it runs northeast from Barnstable (41°47.2’ N and -70°19.5’ W) to Wellfleet (41°55.8’ N and -70°8.4’ W); this imaginary straight line follows the old Loran C Line 9960-X-25360, as depicted on NOAA charts. This singles only area is depicted in shaded areas on the map to the left. The setting of singles outside of this designated area is prohibited. All single pots must be rigged with a buoy line that does not exceed 3/8” in diameter.

In addition, there are new lines affecting the configuration of buoy lines on multiple trap and pot trawls. For trawls of two or three pots and traps, only one buoy line may be used to mark the end of the trawl. However, for trawls of four or more pots and traps, two buoy lines may be affixed.

In 2015 these new rules applied only to commercial fishermen. However, beginning in 2016, to reduce the risk of entanglement and to streamline enforcement and compliance, DMF is requiring recreational fishermen to fish under these new rules as well.

Reminder on Other Existing Gear Rules

In addition to these new rules there are other existing protected species gear modification regulations that recreational lobster and crab trap fishermen must comply with. Year-round recreational fishermen must utilize buoy lines equipped with a weak link that will break under 600 pounds of push-pull pressure. Additionally, all recreational lobster and crab trap buoy lines must bear a 4” red mark midway on the line. If you are utilizing red line, a 4” white mark may be substituted.

For more details, contact Erin Burke, DMF’s Protected Species Specialist at erin.burke@state.ma.us or Jared Silva at jared.silva@state.ma.us.