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# *Commonwealth of Massachusetts*

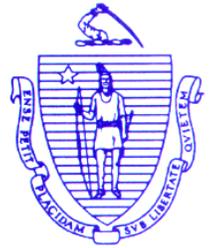
## **Division of Marine Fisheries**

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February 7, 2020

### **Winter 2020 Marine Fisheries Public Hearing Notice**

Under the provisions of M.G.L. c. 30A and pursuant to the authority found at M.G.L. c. 130 §§ 2, 17A, 80 and 104, the Division of Marine Fisheries (DMF) is proposing the draft regulatory amendments to 322 CMR §§6.00, 7.00 and 9.00 listed below.

1. **Recreational Striped Bass (322 CMR 6.07)**. DMF is proposing several measures affecting the recreational harvest of striped bass. These measures are designed to conform state regulations to Addendum VI to the Atlantic States Marine Fisheries Commission's (ASMFC) Striped Bass Fishery Management Plan (FMP) and reduce recreational discard mortality. The proposals are to:
  - a. Adopt a slot limit of at least 28" to less than 35" total length for the recreational retention of striped bass. This slot limit will replace the current 28" minimum size.
  - b. For 2021, expand the state's existing circle hook rule to potentially require all anglers whether fishing from shore, a private vessel or a for-hire vessel to use circle hooks when fishing with whole or cut natural baits and eliminate existing exemptions for certain terminal tackle configurations (e.g., tube and worm, snag and drop).
  - c. Prohibit recreational anglers from removing striped bass from the water with any device other than a non-lethal device. Non-lethal devices will be defined as a device that does not pierce, puncture, or otherwise cause invasive damage to the fish that may result in mortality.
2. **Recreational Bluefish (322 CMR 6.18)**. The ASMFC has approved new coastwide measures to restrict recreational harvest in 2020. These include a 3-fish per day limit for anglers fishing from shore or a private vessel and a 5-fish per day limit for anglers fishing aboard a for-hire vessel. The possession limit in Massachusetts is currently 10 fish per day for all anglers. DMF is proposing to adopt state limits consistent with this coastwide mandate.
3. **Commercial Striped Bass (322 CMR 6.07)**. Beginning in 2020, the ASMFC has reduced the states' coastal commercial quotas for striped bass by 18% to end overfishing. At our existing 34" minimum size limit, Massachusetts' quota is expected to be approximately 713,000 pounds. To best utilize this quota, DMF is proposing several adjustments to the state's commercial striped bass management regulations:
  - a. Move the start of the commercial fishery from June 23 to as early as June 1.
  - b. Adjust the open commercial fishing days from Mondays and Thursdays to Mondays and Wednesdays.
  - c. Increase the minimum size from 34" to 35". This will result in there being no overlap between lawfully sized commercial fish and lawfully sized recreational fish. If this change is adopted, DMF will also rescind: 1) the requirement that commercial anglers fishing recreationally for striped bass clip the right pectoral fin of any striped bass measuring at least 34" and 2) the allowance for dual

commercial and for-hire permit holders to sell any commercially conforming striped bass caught by their clients.

d. Maintain existing daily landing limits.

4. **Commercial Summer Flounder (322 CMR 6.22)**. In response to recent fishery performance and expectations that the quota will remain at elevated levels through at least 2021, DMF is proposing to:
  - a. Increase trawler trip limits from 300 pounds to 400 pounds and hook and line trip limits from 200 pounds to 250 pounds during the period of June 10 through October 31. No changes are being proposed to the existing Sunday – Thursday open fishing day schedule.
  - b. Renew the pilot program that allows trawlers to retain and land two consecutive daily limits of summer flounder with prescribed segregation of catches and tagged containers for the June 10 start of the directed fishery.
  - c. During the period of November 1–December 31, increase trip limits for all gear types to 1,000 pounds provided 5% of the annual quota remains available, or 500 pounds if less than 5% of the annual quota remains available.
  
5. **Commercial Black Sea Bass (322 CMR 6.28)**. In response to recent fishery performance and a near 60% increase in the commercial quota for 2020, DMF is proposing to:
  - a. Adjust fishing limits for the summertime directed fishery. DMF’s preference is to maintain the existing season and Sunday/Tuesday/Thursday open fishing day schedule, but increase directed fishery trip limits from 300 pounds to 400 pounds for pot fishermen and 150 pounds to 200 pounds for hook and line fishermen. DMF will also take comment on maintaining the existing season but moving to a two-day per week open fishing day schedule (e.g., Tuesdays/Thursdays) while increasing trip limits to 450 pounds for pot fishermen and 225 pounds for hook and line fishermen.
  - b. Increase the seasonal weir set-aside from 15,000 pounds to 24,000 pounds commensurate with the increase in the annual quota. Quota set-aside for the weir fishery will roll back into the general quota for the summertime fishery, as weirs are typically removed from the water by the late spring.
  - c. Establish a 100 pound incidental catch limits for trawlers to maximize the retention of saleable fish while minimizing regulatory discarding. During the April 23 – June 9 small mesh trawl squid fishery, aggregate black sea bass landings will be capped at 50,000 pounds, and retention and landing will be allowed seven days per week. During the June 10 – October 31 large mesh trawl fishery, aggregate landings will not be capped, and retention and landing will be allowed during open summer flounder fishing days (Sundays – Thursdays).
  
6. **Commercial Horseshoe Crab Trawl Limits (322 CMR 6.34)**. In response to recent fishery performance, DMF is proposing to establish an open access incidental limit of 75 crabs for trawlers who do not hold a limited entry horseshoe crab permit. This will replace the issuance of Letters of Authorization that accommodate the retention and landing of horseshoe crabs by those trawlers who do not hold commercial horseshoe crab permits.
  
7. **Commercial Menhaden (322 CMR 6.43, 7.01, 7.04 and 7.06)**. In response to recent fishery performance, DMF is proposing to:
  - a. Rescind the 95% quota trigger that reduces the limited access fishery’s trip limit to 6,000 pounds, thereby allowing the fishery to remain open at the 25,000 pound trip limit until 100% of the quota is taken.
  - b. Replace the 1,000 pound bycatch allowance with a 6,000 pound incidental catch and small scale fishery allowance for harvest after the quota is filled, as authorized by the ASMFC’s Menhaden FMP.
  - c. Adopt new regulations that would allow Massachusetts to potentially opt into the episodic event quota set-aside afforded to states from ME to NY by the ASMFC’s Menhaden FMP.

- d. Establish a May 1, 2020 control date for the limited entry menhaden permit that may be used in the future to address latent effort and further reduce access to the fishery.
  - e. Require that all limited entry menhaden fishery permit endorsements be owner/operator.
8. **Sand Lance (322 CMR 6.42).** DMF is proposing to adopt a 200 pound possession and landing limit for sand lance to prevent the proliferation of an industrial fishery while allowing traditional bait harvest activity to continue to occur.
9. **Housekeeping (322 CMR 6.19, 6.44, 7.01, 7.03, 7.07 and 9.00).** DMF is proposing several regulatory refinements and corrections to:
- a. Streamline its herring management regulations for Area 1A and update herring spawning protection language to better conform to current practices and the ASMFC's FMP;
  - b. Consolidate Cancer crab and blue crab regulations into a single regulatory section for edible crabs.
  - c. Define edible crabs to exclude non-native species, thereby allowing the harvest and sale of non-native crab species without a commercial lobster permit.
  - d. Clarify those circumstances whereby performance criteria may be waived when transferring a Coastal Lobster Permit.
  - e. Revise lobster trap allocation transfer rules for areas subject to effort controls to better complement relevant federal regulations.
  - f. Make explicit that the initial sale of fish by a commercial fisherman must be to a dealer authorized as a primary buyer.
  - g. Clarify those activities covered under the authority of a recreational for-hire permit.

#### **Public Hearing Schedule**

The Division of Marine Fisheries has scheduled three public hearing to take comment on these proposals:

**March 10, 2020**  
**6 PM**  
**Coolidge Middle School**  
**89 Birch Meadow Drive**  
**Reading, MA 01867**

**March 12, 2020**  
**9:30 AM**  
**Tisbury Town Hall**  
**Katharine Cornell Theater**  
**51 Spring Street**  
**Vineyard Haven, MA 02568**

**March 12, 2020**  
**6 PM**  
**MA Maritime Academy**  
**Admiral's Hall**  
**101 Academy Drive**  
**Buzzards Bay, MA**

#### **Public Comment Instructions**

The Division of Marine Fisheries will also accept written public comment through 5PM on Monday, March 16, 2020. Please address all written comments to Acting Director Daniel McKiernan and submit to DMF by e-mail at [marine.fish@mass.gov](mailto:marine.fish@mass.gov) or by post to 251 Causeway Street, Suite 400, Boston, MA 02114.

A copy of the strikethrough regulatory text and more detailed memoranda to the Marine Fisheries Advisory Commission may be found on [DMF's website](#) or may be acquired by contacting Jared Silva ([jared.silva@mass.gov](mailto:jared.silva@mass.gov); 617-626-1534).