



# The Commonwealth of Massachusetts

## Division of Marine Fisheries

251 Causeway Street, Suite 400, Boston, MA 02114

p: (617) 626-1520 | f: (617) 626-1509

[www.mass.gov/marinefisheries](http://www.mass.gov/marinefisheries)



CHARLES D. BAKER  
Governor

KARYN E. POLITO  
Lt. Governor

KATHLEEN A. THEOHARIDES  
Secretary

RONALD S. AMIDON  
Commissioner

DANIEL J. MCKIERNAN  
Director

March 5, 2021

### **Notice of Public Comment Period and Virtual Public Hearing: Proposed Commercial Fishing Regulations Affecting Striped Bass, Menhaden, Black Sea Bass Pots, and Bluefin Tuna Purse Seining**

Under the provisions of M.G.L. c. 30A and pursuant to the authority found at M.G.L. c. 130, §§ 17A, 80, 100A, and 104, the Division of Marine Fisheries (DMF) is taking public comment and holding a virtual public hearing on draft regulations to amend 322 CMR 4.00, 6.00 and 7.00. These draft regulations propose to implement new commercial fishing limits for 2021 and are described in the bullets below.

1. Commercial Striped Bass Season and Open Fishing Days (322 CMR 6.07). DMF is proposing to:
  - a. Open the commercial fishing season earlier than the current date of June 23. DMF's preferred option is June 15, which was recommended by the Marine Fisheries Advisory Commission's Striped Bass Sub-Committee, but DMF also received a public petition to start the fishery in late-May.
  - b. Establish an official end date for the commercial fishing season of November 15.
  - c. Increase the open days per week from two (Mondays and Wednesdays) to up to four (Monday through Thursday).
  - d. Increase the number of open fishing days to five consecutive days (Mondays–Fridays) beginning on September 15 and then to seven days per week on October 1.

Massachusetts is assigned a striped bass commercial quota by the Atlantic States Marine Fisheries Commission in accordance with the most recent stock assessment information. The quota was reduced from approximately 869,000 pounds to 735,000 pounds in 2020 in response to the 2018 Benchmark Stock Assessment. For 2021, the quota will remain at the 2020 level. DMF manages the harvest of this quota through regulations affecting season, fishing days, possession limits, size limits, other harvest controls, and permitting. Over the past decade, DMF has aggressively managed this fishery to address market conditions, compliance issues, and user group conflict. Under present conditions, the management system constrains the ability of the commercial fishery to achieve its available quota. The proposals to open the fishery early and adjust the open fishing days are generally designed to provide greater access to the state's commercial striped bass quota. Additional open fishing days during in September and October will also account for loss of access to the resource due to predictable increases in the number of bad weather days during the fall. The proposal to enact a season closure date is intended to allow for DMF to begin end-of-season Striped Bass ID Tag accounting should the quota not be taken prior to the resource's emigration from state waters.

2. Commercial Menhaden Fishery (322 CMR 6.43). DMF is proposing to:
  - a) Adopt a maximum purse seine size of 300' by 30' for the open access fishery and the incidental catch and small-scale fishery. This would also apply to any open access fisherman fishing during the episodic event set-aside fishery.

- b) Require operators in the open access fishery and the incidental catch and small-scale fishery to immediately store their harvest of menhaden in containers such as 55-gallon barrels or standard fish totes. A level, filled barrel will have the volumetric equivalency of 300 pounds of menhaden and a level, filled fish tote will have the volumetric equivalency of 125 pounds of menhaden. Accordingly, 20 barrels or 48 totes would be equivalent to the 6,000-pound trip limit for these fisheries. This proposed storage requirement and volumetric equivalency would also apply to any open access fisherman fishing during the episodic event set-aside fishery.
- c) Require any commercial permit holder participating in the episodic event set-aside fishery to hold a bait dealer permit and report their harvest nightly into SAFIS as a bait dealer.

DMF is proposing parts (a) and (b) to enhance compliance with the open access and incidental catch and small-scale fisheries' 6,000-pound trip limit. Part (c) is being proposed to conform state regulations to the Interstate Fishery Management Plan's requirements for the episodic event set-aside fishery.

3. Commercial Black Sea Bass Pots (322 CMR 6.12). DMF is proposing to specify that the opening required on all black sea bass pots to be covered by a "ghost panel" measure at least 3" by 6".

This is a longstanding requirement of the Interstate Fishery Management Plan for Black Sea Bass that DMF was flagged for being deficient on during a recent review of our state compliance report to the Atlantic States Marine Fisheries Commission. State regulations already require a panel with hinges made of one of several specified degradable materials, but do not establish the minimum size of the opening covered by this ghost panel. The ghost panel is designed to allow escapement of any entrapped fish or crustaceans caught in a lost trap.

4. Atlantic Bluefin Tuna Purse Seining (322 CMR 6.04 and 322 CMR 7.01). DMF is proposing to prohibit purse seining for Atlantic bluefin tuna in state waters and eliminate the regulated fishery permit endorsement for this activity.

Purse seining for Atlantic bluefin tuna has been restricted in state waters through the use of permit conditions for about 20 years. Now that the last Bluefin Tuna Purse Seine Permit Endorsement has been retired, DMF is proposing to codify this prohibition in regulation.

5. Correction to Mobile Gear Regulations (322 CMR 4.06). DMF is proposing to correct regulatory language regarding the seasonal use of ground gear in mobile gear areas 1A and 1B along the North Shore.

### **Public Hearing Schedule and Written Public Comment Period**

DMF has scheduled a virtual public hearing for Monday, March 29 at 6PM. You must register in advance to attend this public hearing. A follow up e-mail will then be sent providing login and call in information. To register, click [here](#). Written public comment will be accepted through Friday, April 2. Please address written comments to Director Daniel McKiernan and submit by e-mail to [marine.fish@mass.gov](mailto:marine.fish@mass.gov) or by post to 251 Causeway Street, Suite 400, Boston, MA 02114. Stakeholders are encouraged to attend the virtual public hearing (or watch a recording of the public hearing that will be posted to [DMF's YouTube channel](#)) and then submit written public comment. All written public comments and a summary of the public hearing will be provided to the Marine Fisheries Advisory Commission in advance of their April 15, 2021 business meeting when they are expected to review and vote on final recommended actions. All materials, including the strikethrough regulatory language, may be found on [DMF's website](#) or may be acquired by contacting Jared Silva by e-mail at [jared.silva@mass.gov](mailto:jared.silva@mass.gov).