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# Commonwealth of Massachusetts

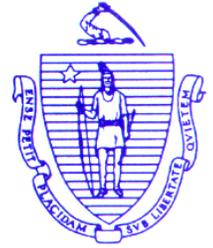
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**March 11, 2015**

### Marine Fisheries Advisory

## UPCOMING RULES AFFECTING POTS FISHED AS SINGLES

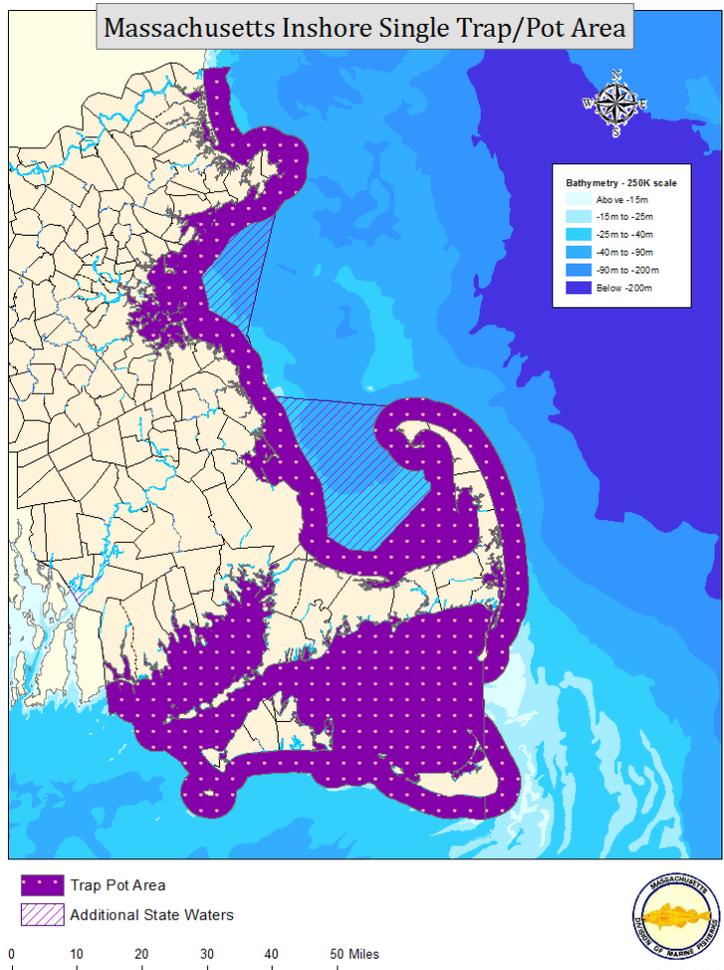
This notice is an update on upcoming rules affecting lobster, fish, and conch pots that are fished as singles. All commercial fishermen fishing singles this summer and beyond must comply with the following new rules that will be established by the National Marine Fisheries Service (NMFS):

- Must add three 12-inch RED markers at top, middle, and bottom of each buoy line;
- Must add a second, region-specific color marking to their vertical line;
- Are prohibited from fishing rope with a diameter greater than 3/8 inch; and
- Are required to use only one buoy line for trawls set with less than four pots.

Read below for further details.

In June 2014, NMFS enacted rules that would significantly affect the pot fisheries in Massachusetts. These rules required additional marking of buoy lines, a prohibition on single pot fishing in all Massachusetts state waters, and a four-month (January - April) closure of fishing grounds in Cape Cod Bay and Massachusetts Bay, including waters east of Cape Cod as far south as Chatham. Soon after the release of the rule, *Marine Fisheries* requested an exemption for single pots in certain portions of Massachusetts waters and a modification of the four-month closure to re-open January and enlarge the area to waters east of Nantucket. The Atlantic Large Whale Take Reduction Team supported the closure change and NMFS fast-tracked their rulemaking process to enact the change in December, just in time to postpone the closure start until February.

This past January, *Marine Fisheries* succeeded in convincing the Take Reduction Team to endorse our request to allow the setting of single pots in certain Massachusetts waters (see map). *Marine Fisheries* staff argued that buoy lines attached to single pots are less prone to injure a large whale because the gear is usually



lightweight with lower breaking strength and predominantly fished nearshore where whales are less common. In exchange, a unique buoy line marking scheme featuring a second color marker for singles fished in the exemption area will be required.

The Take Reduction Team also approved statewide proposals to amend the new federal rule that dictates the trawl lengths allowed to have two buoy lines. Under the rules enacted by NMFS in June 2014, only those trap trawls six pots or longer would be allowed to have two buoy lines; trawls of five pots or less would be allowed a single buoy line. Modifications to this rule, suggested by *Marine Fisheries*, are expected to allow trawls of four pots or more to have two buoy lines; trawls of three pots or less would be limited to a single buoy line. *Marine Fisheries* staff stressed safety issues for fishermen as an overriding concern to accomplish all exemptions.

As a trade-off for allowing singles in the exempted area, we agreed to establish a unique buoy line marking scheme featuring a second color for each of three areas: North of the Cape, East of the Cape, and South of the Cape. These will be analogous to the exempted waters portions of Lobster Conservation Management Areas 1, Outer Cape Cod (OCC), and Area 2. Unique gear marking schemes were strongly supported by fishermen who attended public meetings held by the Division to gather input on the rules and their impacts. By allowing the inshore single trap fisheries to adopt very specific gear marking schemes, future analysis will demonstrate whether this gear constitutes a substantial risk to large whales and should be further regulated.

The new gear marking rules require at least three 12-inch RED markers on all buoy lines: one at the top of the buoy line, one midway along the buoy line, and one at the bottom of the buoy line. **For the two color system, which applies only to single pots fished in the exemption area**, each color should be 6 inches for a total of a 12-inch mark. Fishermen may mark the gear more than required by NMFS but not less. The method for marking the rope is largely at the discretion of the fisherman (e.g., tape, paint, twine) so long as the marks are clearly visible when the gear is hauled.

With input from the lobster industry, we agreed on the following two-color markings for singles fished in each exemption area:

- OCC LMA – RED and YELLOW
- LMA 1 – RED and WHITE
- LMA 2 – RED and BLACK

More information about gear marking can be found in the NMFS Gear Guide Supplements at the following address:

<http://www.greateratlantic.fisheries.noaa.gov/protected/whaletrp/outreach/index.html>

Fishermen are urged to take the time now before the gear is set this spring and summer to mark buoy lines that will be used for single trap fishing. Compliance with these measures is critical for the credibility of the fishery participants and the advocates who promoted these proposals. The regulations of the Atlantic Large Whale Take Reduction Plan apply to all trap/pot fisheries, including lobster, conch, and fish pots. NMFS is currently conducting an expedited amendment process to achieve the new rules in advance of the June 1, 2015 date when the prior regulations were scheduled to go into effect.