



David E. Pierce, PhD
Director

Commonwealth of Massachusetts

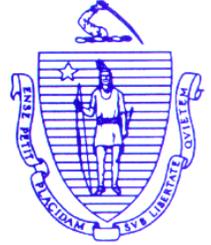
Division of Marine Fisheries

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June 10, 2016

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, 21, 80 and 104, the Division of Marine Fisheries (DMF) and the Marine Fisheries Advisory Commission have scheduled a public hearing and a public comment period to accept comment on draft regulatory proposals at 322 CMR 3.00, 4.00, 6.00, 7.00, 8.00, 10.00, 11.00 and 14.00.

1. **Non-Conforming Aquaculture Raised Shellfish (322 CMR 6.20 and 14.03)**. Authorize aquaculturists to harvest and sell and for dealers to receive and sell aquaculture raised oysters, surf clams and quahogs at sizes smaller than the applicable wild caught shellfish minimum sizes. All aquaculture raised non-conforming shellfish product must bear a red tag identifying it as “aquaculture raised.”
2. **Non-Conforming Aquaculture Raised Finfish (322 CMR 14.02)**. Authorize aquaculturists to harvest and sell and for dealers to receive and sell aquaculture raised whole or whole live finfish that do not conform to applicable wild caught finfish minimum sizes. All aquaculture raised non-conforming finfish must be tagged and labeled, identified as “aquaculture raised” and records of transactions maintained for traceability.
3. **Mobile Gear Vessel Replacement (322 CMR 7.05)**. Eliminate the tonnage baseline for vessel replacements and consider extending the exemption from the 10% horsepower and 10% length vessel replacement baselines for vessels up to a certain size (currently capped at 40 feet).
4. **Surf Clam Management (322 CMR 6.08)**. Establish a maximum 48” dredge width for harvesting in state waters. Exempt surf clam dealers from the minimum size for surf clams that were lawfully harvested outside of state waters.
5. **Whelk Management (322 CMR 6.21)**. Proposed regulations will: (1) adopt a commercial hand harvest limit on mixed knobbed and channeled whelks of one standard sized fish tote; (2) adopt a 15 mixed knobbed and channeled whelk recreational harvest limit; and (3) refine the method of measurement to require whelks be measured as flat as possible on the gauge in an orientation where a straight line drawn from the shell’s apex to its siphonal canal is parallel to the gauge sides.
6. **Commercial Scup Limits (322 CMR 6.28)**. Beginning on the Tuesday following Labor Day eliminate closed fishing days and establish a 1,500 pound trip limit for all gear types.
7. **American Eels (322 CMR 6.30)**. Adopt a quota management system for the commercial harvest of eels and clarify that the existing recreational limit applies only to the harvest of eels and not eels possessed for use as bait.
8. **Trap Tags (322 CMR 6.31)**. Increase the initial allocation of extra conch pot trap tags from 10% to 20% to address routine trap loss.
9. **Sink Gillnets (322 CMR 4.04)**. Update the sink gillnet endline marking requirements to match the requirements of the overarching Atlantic Large Whale Take Reduction Plan by having buoy lines be marked with a 12” green mark at the top, middle and bottom of each endline.
10. **Organization of Regulations (322 CMR 3.00, 4.00, 6.00, 7.00, 8.00, 10.00, 11.00 and 14.00)**. Amend, clarify, update, re-organize and rescind certain existing sections of 322 CMR to improve

the organization and readability of DMF regulations. This reorganization represents extensive changes to the format of 322 CMR and review and comment is encouraged.

Public Hearing Schedule

5:30 PM
Tuesday, July 12, 2016
DMF's Annisquam River Station
30 Emerson Avenue
Gloucester, MA 01930

5:30 PM
Wednesday, July 13, 2016
Hotel 1620 at Plymouth Harbor
180 Water Street
Plymouth, MA 02630

5:30 PM
Thursday, July 14, 2016
Chatham Recreation Center
702 Main Street, Chatham, MA 02633

Instructions for Written Comments

Written public comments will be accepted until 5:00 PM on Wednesday, July 20, 2016. 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, contact Jared Silva by phone (617-626-1534) or through e-mail (jared.silva@state.ma.us).