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Division of Marine Fisheries

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June 27, 2013

Notice of Public Hearing and Comment Period To Accept Comments on Recently Enacted Emergency Regulations

Under the provisions of M.G.L. c. 30A § 2 and pursuant to the authority found at M.G.L. c. 130 § 17A, 21 and 80, the Division of Marine Fisheries (*Marine Fisheries*) and the Marine Fisheries Advisory Commission (MFC) have scheduled a public comment period and public hearing. *Marine Fisheries* will only accept comment related to permanently codifying the recently enacted emergency regulations affecting commercial and recreational groundfish minimum sizes and commercial menhaden management and permitting.

1. Commercial Groundfish Minimum Sizes (322 CMR 6.03)

- a. In accordance with recent changes to federal rules, *Marine Fisheries* has promulgated emergency regulations to decrease the commercial minimum sizes for certain groundfish species:

Commercial Fishery Minimum Size Changes for Groundfish		
Species	Minimum Size Through June 30, 2013	Minimum Size Effective July 1, 2013
Cod	22 inches	19 inches
Haddock	18 inches	16 inches
Witch flounder	14 inches	13 inches
Yellowtail flounder	13 inches	12 inches
American plaice	14 inches	12 inches
Redfish	9 inches	7 inches

2. Recreational Gulf of Maine Haddock Minimum Sizes (322 CMR 6.03)

- a. In accordance with recent changes to federal rules, *Marine Fisheries* has promulgated emergency regulations to increase the minimum size for haddock caught in the Gulf of Maine Management Area to 21 inches.

3. Commercial Atlantic Menhaden Management Permitting (322 CMR 6.03, 6.43, 7.01 and 12.10)

- a. *Marine Fisheries* promulgated emergency regulations that established a two-tiered commercial menhaden management and permitting system:
- i. Open Access Fishery Permitting and Limits
Any commercial fisherman permit holder may catch possess and land up to 6,000 lbs of menhaden per day or per trip.
 - ii. Limited Access Fishery Permitting and Limits

Any commercial permit holder that landed 6,000 lbs or more of menhaden during any calendar day during 2009, 2010 and 2011 or holds a limited entry permit to conduct purse seining in the inshore net areas will receive a limited entry commercial menhaden permit authorizing them to land menhaden in excess of 6,000 lbs. There will be no trip limits until 50% of the quota is caught when a 200,000 lb trip limit will be implemented. This limit will remain in effect until 85% of the quota is caught when a 6,000 lb trip limit will be implemented.

- iii. Quota Closure
Both the Open Access and Limited Access commercial fisheries will close when the Director projects that 100% of the commercial quota has been taken.
- iv. Bycatch Tolerance
Once the quota has been landed, commercial fishermen may retain, possess and land up to 1,000 lbs of menhaden provided the weight of the menhaden does not exceed 5% of the weight of their entire commercial catch.
- v. Reporting
All open access fishery participants must report their menhaden catch on their commercial fisherman's state trip level reports or federal vessel trip reports. All limited access fishery participants must obtain a commercial bait dealer permit and report their menhaden landings to the SAFIS database as a commercial bait dealer on a daily basis.

Public Comment and Hearing Schedule

Public comments will be accepted until 5:00 PM on Tuesday, July 30, 2013. Please e-mail all public comments to jared.silva@state.ma.us or send to 251 Causeway Street, Suite 400, Boston, MA 02114.

A public hearing has been scheduled for:
Monday, July 29, 2013, from 5:00 PM to 6:30 PM, at *Marine Fisheries'* Annisquam River Station, 30 Emerson Avenue, Gloucester, MA.

For further information or to obtain a copy of the full proposed regulations please contact Jared Silva by phone (617-626-1534) or through e-mail (jared.silva@state.ma.us), or visit our website (www.mass.gov/marinefisheries).