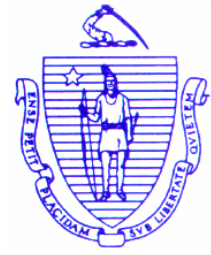




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September 23, 2005
Marine Fisheries Advisory

NOTICE OF PUBLIC HEARINGS
SCHEDULED FOR OCTOBER 24 & 25, 2005

Under the provisions of M.G.L. Ch 30A and pursuant to the authority found in M.G.L. Ch. 130 ss. 17, 17A, 80, 100A and 104, Division of Marine Fisheries (DMF) and the Marine Fisheries Advisory Commission (MFAC) have scheduled hearings on the following regulatory proposals:

1. DMF proposal to make owner-operator requirements consistent for all fish pot fishery permit holders (322 CMR 6.12 & 7.09);
2. DMF proposal to amend dealer reporting requirements by replacing requirement to weight fish at time of purchase with requirement to label and number containers used per species (322 CMR 6.20 & 7.07);
4. DMF proposal to amend current escape vent specifications for the scup and black sea bass pot fisheries (322 CMR 6.12) in compliance with the interstate plan by requiring:
 - i. At least two escape vents in the parlor section of the pot;
 - ii. An increase in the minimum size of circular escape vents for pots used to harvest black sea bass from 2 3/8" to 2 1/2" (pots used in the scup fishery would retain the status quo 3.1" circular escape vent minimum size);
3. DMF proposal to enact remaining portions of the ASMFC-approved effort control plan in the Outer Cape lobster fishery, including:
 - i. prohibit lobster fishing with traps from January through March (322 CMR 6.02);
 - ii. allocate traps to qualified SCUBA divers (322 CMR 6.13 & 7.03); and
 - iii. take comments on a proposal to eliminate the Area 1/Outer Cape overlap zone (322 CMR 6.33).
5. DMF proposal to prohibit the use of floating groundline between pots/traps in all of state waters year-round to reduce entanglement risk for large whales (322 CMR 12.00);
6. DMF proposal to prohibit the harvest of cod from a portion of Massachusetts Bay as a conservation measure during late fall /early winter months (322 CMR 8.15);
7. DMF proposal to prohibit the take of river herring from all waters under jurisdiction of the Commonwealth and to prohibit the use of river herring as bait (322 CMR 6.17);
8. DMF proposal to amend season-specific trip limits and to reserve half of the winter quota to the late fall period (Nov. – Dec.) in the commercial summer flounder (fluke) fishery (322 CMR 6.22);
9. DMF proposal to establish a formal declaratory process to allow for in-season adjustments of winter-time commercial possession limits of scup to complement federal adjustments (322 CMR 6.28).

- 10. DMF proposal to clarify the daily commercial and recreational possession limits for Tautog by replacing reference to “at any one time” with “per 24-hour day” (322 CMR 8.06);**
- 11. DMF proposal to repeal state regulations for billfish. The fishery is primarily conducted in federal waters and managed under federal rules (322 CMR 6.11);**
- 12. Take comments on recent emergency action to restrict shellfish landings due to biotoxin contamination (322 CMR 6.38).**

Two public hearings have been scheduled:

Monday, October 24, 2005 (7PM) at the Annisquam River Marine Fisheries Stations (30 Emerson Ave., Gloucester) &

Tuesday, October 25, 2005 (7PM) at the Plymouth Harbor Radisson Hotel (180 Water St., Plymouth)

Comments received by e-mail (marinefisheries@state.ma.us), fax (617.626.1509), or mail (251 Causeway St., Suite 400; Boston, MA 02114) will be accepted until 5PM on Friday, October 28, 2005.

Contact DMF for draft regulations and further details or visit our website at www.mass.gov/marinefisheries.