



# The Commonwealth of Massachusetts

## Division of Marine Fisheries

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### Marine Fisheries Advisory

## **DMF Adopts New Commercial Fishing Regulations Affecting Mobile Gear, Whelk, and Trap Fishing**

During the fall of 2022, the Division of Marine Fisheries (DMF) held public hearings and solicited public comment on a variety of fishery management regulations affecting commercial whelk, mobile gear, and trap fishing activities. Following approval by the Marine Fisheries Advisory Commission, DMF has enacted the following regulatory amendments effective for 2023.

### Whelk Gauge Schedule

DMF has revised the schedule to increase the whelk gauge width. The prior schedule increased the whelk gauge width by  $\frac{1}{8}$ " biennially until a terminal gauge width of  $3 \frac{5}{8}$ " is reached in 2029. The revised schedule will delay the pending  $\frac{1}{8}$ " increase in 2023 until 2024 and then have future increases occur every third year, rather than every other year. The terminal gauge width remains  $3 \frac{5}{8}$ " and this target will now be reached in 2033. This terminal gauge size corresponds to the shell width where 50% of female whelks reach sexual maturity in the primary harvest area of Nantucket Sound.

<b>Changes to Schedule to Increase Whelk Gauge Width</b>					
<b>Prior Schedule</b>	<b>2021-2022</b> 3 $\frac{1}{8}$ "	<b>2023-2024</b> 3 $\frac{1}{4}$ "	<b>2025-2026</b> 3 $\frac{3}{8}$ "	<b>2027-2028</b> 3 $\frac{1}{2}$ "	<b>2029</b> 3 $\frac{5}{8}$ "
<b>New Schedule</b>	<b>2021-2023</b> 3 $\frac{1}{8}$ "	<b>2024-2026</b> 3 $\frac{1}{4}$ "	<b>2027-2029</b> 3 $\frac{3}{8}$ "	<b>2030-2032</b> 3 $\frac{1}{2}$ "	<b>2033</b> 3 $\frac{5}{8}$ "
<b>Percent Size At Maturity</b>	0%	0%	5%	20%	50%

This action was taken in response to an industry petition from the Massachusetts Conch Association and Big G Seafood. The petitioners were concerned the gauge increases were contributing to diminished fishery performance in recent years and if landings continued to decay then the shoreside infrastructure necessary to support the fishery would be lost. Additionally, industry seeks to explore and develop potential alternative management strategies.

DMF's stock assessment for channeled whelk in Nantucket Sound show the resource is overfished and overfishing is occurring with catch becoming truncated around the size-at-

harvest, where no female whelks are currently sexually mature. The state's conservation strategy is to increase size-at-harvest to increase spawning stock biomass. DMF has taken a gradual approach to managing this resource to offset potential economic impacts to the fishery given whelks are slow growing animals. While this action delays milestones for protecting spawning stock, it is consistent with the agency's goal of balancing conservation with the long-term viability of this fishery.

#### Area 1A Mobile Gear Exemption

The North Shore (Area 1) has historically been closed to mobile gear fishing year-round in state waters to prevent gear conflicts with inshore trap fishers. However, DMF has carved out certain exemptions to allow mobile gear fishing to occur at times and in space where gear conflicts may be minimized. For instance, Area 1A off Gloucester and Rockport (see [map](#)) has historically been open to mobile gear fishing from February 1 – March 31 and June 15 – September 30. For 2023, DMF will allow mobile gear fishing to occur in this area from February 1 through early May. The area will close to mobile gear fishing after May 15 or once the seasonal fixed gear closure to protect right whales is lifted, whichever occurs sooner.

This action was taken in response to an industry request for DMF to provide additional mobile gear fishing opportunities for sea scallops in this area, should they be available. With the extension of the seasonal fixed gear closure to the North Shore in 2021, this area is now closed to trap gear fishing in April and early May. This eliminates the potential for mobile gear fishers to have gear conflicts with fixed gear fishers during these months and supports allowing mobile gear fishing activity in this area.

DMF does not anticipate this change will result in increased interactions with groundfish species. This mobile gear fishery will be occurring in a time and space where seasonal groundfish availability is low, the use of trawl gear and the retention of groundfish will be limited by overarching commercial groundfish closures, and sea scallop dredges are required to be rigged in a manner to reduce groundfish bycatch.

#### Weak Links

Commercial trap fishers are no longer required to rig their buoy lines with a weak link (capable of breaking at 600 pounds of tension). Weak links were designed to allow for a buoy line to part should it entangle a right whale. However, the entanglement record shows little evidence the gear modification works as intended and ultimately does not lead to risk reduction. As such, DMF is rescinding the requirement for commercial fishers to rig their buoy lines with this device. While the use of a weak link at the buoy is no longer mandatory requirement, fishers may continue to deploy buoy lines with the device installed. Many fishers favor this device because it makes the gear easier to fish. This action does not, in any way, alter the continued requirement that commercial trap fishers fish buoy lines that break when exposed to 1,700 pounds of tension.

For more information regarding the management of marine fisheries in the Commonwealth, please visit our website: [www.mass.gov/marinefisheries](http://www.mass.gov/marinefisheries)