



The Commonwealth of Massachusetts

Division of Marine Fisheries

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November 13, 2020

Notice of Virtual Public Hearings: New Protected Species Regulations Affecting Trap and Gillnet Fishing

Under the provisions of M.G.L. c. 30A, and pursuant to the authorities found at M.G.L. c. 130 §§ 2, 17(10), 17A, 80 and 104, the Division of Marine Fisheries (DMF) is taking public comment and holding public hearings on proposed amendments to regulations at 322 CMR 6.00, 7.00, and 12.00. These draft regulations are designed to reduce the risk of endangered right whales becoming entangled in fixed fishing gear and reduce the potential harm posed by fixed fishing gear if a right whale interacts with it. The draft regulations are described below:

Fixed Gear Closures

1. Commercial Trap Gear Closure (322 CMR 12.04, 12.08, and 12.11). DMF is proposing to extend the existing February 1 – April 30 Large Whale Seasonal Trap Gear Closure (north and east of Cape Cod) to all waters under the jurisdiction of the Commonwealth.
2. Gillnet Closure in Cape Cod Bay (322 CMR 12.04, 12.08, and 12.12). DMF is proposing to extend the existing January 1 – May 15 gillnet closure in Cape Cod Bay to include those waters shoreward of 70°30' W longitude between 42°00' N latitude (Gurnet Point) and 42°12' N latitude (Scituate Harbor).
3. Fixed Gear Closure Extensions (322 CMR 12.04). DMF intends to retain the regulatory authority to extend the above described fixed gear closures (#1 and #2), or portions thereof, based on the Director's assessment of the documented presence of right whales in Massachusetts waters and if reasonably necessary to prevent the entanglement of right whales in commercial trap gear.
4. Recreational Lobster and Crab Trap Gear Haul-Out Season (322 CMR 6.02). DMF is proposing to implement a new closed season for buoyed recreational lobster and crab trap gear. The closed season would run from the Tuesday following Columbus Day through the Friday preceding Memorial Day.
5. Conch Pot Haul-Out Period (322 CMR 6.12). As the above described commercial trap gear closure (#1) applies to all trap gear, including conch pot gear, DMF is proposing to extend the existing December 15 – April 14 conch pot haul-out period through April 30.

Trap Gear Configuration Modifications and Restrictions

1. 1,700-lb Breaking Strength Contrivance (322 CMR 12.02 and 12.06). DMF is proposing that all vertical buoy lines break when exposed to 1,700 pounds of pressure. This may be accommodated by fishing buoy lines with a 1.7000 pound breaking strength or by rigging the buoy line with a contrivance or multiple contrivances that allows for it to break at that pressure.
2. Vertical Buoy Line Maximum Diameter for Commercial Trap Gear (322 CMR 12.06). DMF is proposing that all vertical buoy lines affixed to commercial trap gear have a diameter not greater than 3/8".

3. Vertical Buoy Line Maximum Diameter for Recreational Trap Gear (322 CMR 12.06). DMF is proposing that all vertical buoy lines affixed to recreational lobster and crab trap gear have a diameter not greater than 5/16”.
4. Prohibition on Single Lobster Traps for Vessels of a Certain Size (322 CMR 12.06). DMF is proposing to prohibit the fishing of single lobster traps onboard vessels with an overall length of 29’ or greater. These vessels will be required to configure their traps as multi-trap trawls. Vessels with an overall length of less than 29’ may continue to fish single lobster traps where authorized; the setting of single lobster traps by any vessel of any size will remain prohibited north of Cape Cod seaward of the three nautical mile line and the Billingsgate exempted area. DMF is proposing that this regulation go into effect on January 1, 2022.

Permitting

1. Cap on Issuance of Seasonal Lobster Permits (322 CMR 7.01). DMF is proposing to cap the annual issuance of seasonal lobster permits for students at 150 permits.

Housekeeping

1. Purpose and Definitions (322 CMR 12.01 and 12.02). DMF is proposing to revise and update the purpose of the state’s protected species regulations so that it better reflects the DMF’s current approach to managing protected species.
2. Conduct Related to Interacting with Right Whales (322 CMR 12.07 – 12.10). DMF is proposing to consolidate the regulations that govern vessel interactions with right whales into one section.
3. Maps (322 CMR 12.04, and 12.08 – 12.12). DMF is proposing to establish a consolidated section of maps relevant to the protected species regulations.
4. Other (322 CMR 6.02, 6.12, 12.03, 12.04, 12.05, 12.06, 12.07). DMF is consolidating and refining regulatory language as necessary to improve the clarity and readability of existing regulations.

Public Comment Period and Public Hearing Schedule

Written public comment will be accepted through 5PM on Friday, December 18, 2020. Please address written comments to Director Daniel McKiernan and submit it by e-mail to marine.fish@mass.gov or by post to the attention of Director McKiernan at 251 Causeway Street, Suite 400, Boston, MA 02114. DMF has also scheduled two virtual public hearings for 6PM on Tuesday, December 8, 2020 and Wednesday, December 9, 2020:

December 8, 2020 (6PM) Login Information:

- [Internet Login](#)
- Call In: 929 436 2866
- Passcode: 509869
- Meeting ID: 894 6836 3614

December 9, 2020 (6PM) Login Information:

- [Internet Login](#)
- Call In: 929 436 2866
- Passcode: 263730
- Webinar ID: 884 8653 2400

Additional Information

All materials, including the rationale for these proposals and the strikethrough regulatory language, may be found on [DMF’s website](#) or may be acquired by contacting Jared Silva by e-mail at jared.silva@mass.gov. Recordings of the public hearings will be published to [DMF’s YouTube channel](#).