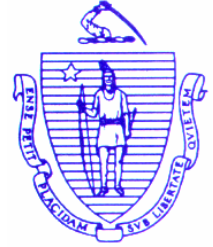




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**November 14, 2005**  
**Marine Fisheries Advisory**

**MASSACHUSETTS MARINE FISHERIES ADVISORY COMMISSION  
APPROVES NEW REGULATIONS –  
December Cod Conservation Zone & Moratorium on River Herring Fishery**

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At a November 9, 2005 business meeting, the Marine Fisheries Advisory Commission (MFAC) approved several Division of Marine Fisheries (*Marine Fisheries*) proposals including a two-year seasonal cod prohibition in a portion of Massachusetts Bay and a three-year moratorium on the harvest, possession, and sale of river herring. Other approved actions impact rules governing dealer reporting, fish pot escape vent sizes, Outer Cape Cod lobster trap haul-out period, ban on the use of floating groundline, winter-period commercial summer flounder (fluke) trip limits, procedures to amend commercial scup trip limits, tautog possession limits, billfish regulations, and procedures to close shellfish areas due to biotoxins. Details on each of approved regulatory changes are provided below.

No action was taken on the public petition to eliminate the commercial lobster Area 1/Outer Cape overlap zone. Additionally, the MFAC voted to delay action pending further discussion on the *Marine Fisheries* proposal to require all fish pot permit holders be owner/operators and the proposal to allocate eligible SCUBA divers in the Outer Cape lobster fishery an Individual Trap Allocation commensurate with fishing history.

**Regulatory Actions Approved by MFAC:**

**1) Mass. Bay Cod Conservation Zone Established during December – January 15 for two years (322 CMR 8.15):**



To protect predictable aggregations of cod, a portion of Mass. Bay has been designated a Cod Conservation Zone. The harvest of cod by any person from waters under the jurisdiction of the Commonwealth north of latitude 42° 20' and south of 42° 30' latitude will be prohibited during the period December 1 through January 15. With the exception of lobster traps and drags for scallops and sea urchins, it will also be unlawful for any person to fish, set, or abandon any gear capable of harvesting cod in this Cod Conservation Zone during the restricted season. *This prohibition shall apply to all gillnets, otter trawls, mid-water trawls, seines, and all hook-and-*

*line gears including longlines, rod-and-reel, and handlines.* This seasonal prohibition shall remain in effect through January 16, 2007.

**2) Three-Year River Herring Moratorium on Harvest, Possession, & Sale (322 CMR 6.17):**

In response to recent drastic declines of many river herring spawning runs, the harvest, possession or sale of river herring in the Commonwealth or in the waters under the jurisdiction of the Commonwealth by any person is prohibited through 2008. To accommodate the bait harvesting fisheries, the MFAC approved a slight tolerance (up to 5%, by count, of a batch of fish may be comprised of river herring species).

**3) Dealer Reporting Requirements (322 CMR 6.20 & 7.07):**

To accommodate seafood dealers accepting fish at ports distant from their processing facilities, the dealer reporting requirements were amended to relax the requirement that fish be weighed upon landing. Although weighing of fish will still be encouraged, dealer reporting requirements will mandate that dealers label and record the number of containers of fish purchased. Effective January 1, 2006, all labels and records must include the number of containers per species, date, time, fishermen's name, and fishermen's DMF ID number.

**4) Fish Pot Escape Vent Specifications (322 CMR 6.12):**

In compliance with the Interstate plan, the MFAC approved the following specifications for all fish pots fished in waters under the jurisdiction of the Commonwealth:

- i. at least two escape vents in the parlor section of the pot; and
- 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).

These measures will not go into effect until the next fishing year on January 1, 2007.

**5) Outer Cape Lobster Trap Haul-out Period (322 CMR 6.02):**

Beginning in 2006, fishing for lobster with traps is prohibited in the Outer Cape LCMA from January 15<sup>th</sup> through March 15<sup>th</sup>. Fishermen are required to remove all lobster traps from waters of the Outer Cape LCMA as defined in 322 CMR 6.33 during this closed period. This measure is a part of the effort control plan for the Outer Cape lobster fishery approved by the Atlantic States Marine Fisheries Commission.

**6) Prohibition on the Use of Floating Groundline (322 CMR 12.00):**

Effective next fishing year on January 1, 2007, it shall be unlawful for any person to fish, store, or abandon any fixed fishing gear in waters under the jurisdiction of the Commonwealth with positively buoyant groundline (lines connecting traps in a string). Any recreational or commercial fishermen using fixed gear will be required to use neutrally or negatively buoyant groundline. Neutrally and negatively buoyant groundline is defined as line that has a specific gravity greater than that of seawater, 1.03, and does not float up in the water column.

**7) Commercial Summer Flounder (Fluke) Trip Limits (322 CMR 6.22)**

The MFAC approved sub-dividing the winter-period fluke quota to better manage harvest within the 70/30 summer/winter quota split. Effective January 1, 2006, the following are the approved periods and their associated possession limits:

- i. **Winter I period** (January 1 - April 22) would begin at a 2,500 lb daily trip limit and reduce to a 100-lb. trip limit when 10% or more of the annual quota has been reached. This is the current trip limit and trigger for the current January – April “winter” period.
- ii. **Summer period** (April 23 - October 31) would be essentially unchanged and begin during the squid season (April 23<sup>rd</sup> through June 9<sup>th</sup>) at a 100-lb daily trip limit then increase on June 10<sup>th</sup> to a 300 (nets)/200 (hooks) lb. daily trip limit. When the

summer period landings reaches 70% of the annual quota, the fishery would be closed until November 1.

- iii. **Winter II period** (November 1 - December 31) would begin on November 1<sup>st</sup> designed to consume the balance of the quota. Daily trip limit will be 2,000 lb. until 100% of the annual quota is reached at which point the landing and possession of fluke would be prohibited.

**8) Declaration of Commercial Scup Specifications during the Winter I & II Periods (322 CMR 6.28):**

To allow for more efficient and timely trip limit changes in line with ASMFC/Federal approved rules, the MFAC approved the use of a declaratory process to set rules governing the manner and times of taking scup, the legal size limits, and the numbers and/or quantities of scup to be taken during the Winter I (January – April) and Winter II (November – December) commercial scup fishery periods. Prior to implementing annual specifications, *Marine Fisheries* will hold a two-week comment period. Notices of final annual specifications will be provided in the *Massachusetts Register*, local newspaper, *Marine Fisheries* email Listserv and posted on the *Marine Fisheries* website ([www.mass.gov/marinefisheries](http://www.mass.gov/marinefisheries)). *Marine Fisheries* will begin utilizing the declaratory process to set annual specifications on January 1, 2006.

**9) Commercial and Recreational Tautog Possession Limits (322 CMR 8.06):**

Effective January, 1, 2006, the MFAC approved clarifying the commercial and recreational possession limits for Tautog by establishing both the 40-fish commercial possession limit and 3-fish recreational limit **as possession limits per 24-hour day.**

**10) Repeal of State Billfish Rules (322 CMR 6.11):**

Effective January 1, 2006, all rules governing the harvest of billfish in state waters will be repealed. These state rules had been implemented at a time when there were no federal rules. However, federal rules are now in existence and effectively manage the primarily federal waters fisheries. Although the harvest of billfish in state waters is uncommon, federal rules will apply for all fishing activity in state and federal waters. Consult the National Marine Fisheries Service for permitting and reporting requirements ([www.nmfs.noaa.gov/sfa/hms](http://www.nmfs.noaa.gov/sfa/hms)).

**11) Shellfish Harvest & Landing Restrictions Due to Marine Biotoxins (322 CMR 6.11)**

This action allows *Marine Fisheries* to restrict shellfish harvest and landings from all waters under the jurisdiction of the Commonwealth as necessitated by the presence of marine biotoxins. In addition to closures enacted within waters under the jurisdiction of the Commonwealth, the Director may restrict the taking of certain shellfish species and the landing of those products by any vessel registered under the laws of the Commonwealth from areas determined to contain levels of toxic phytoplankton, including waters within the Exclusive Economic Zone, that may place the public health at risk from consumption of shellfish products. This action shall take effect on January 1, 2006.

The recent red-tide event in Massachusetts affected the Commonwealth on an unprecedented scale. In the past red-tide has primarily been limited to near-shore waters where the Commonwealth can act in conjunction with local officials to restrict harvest and landing of shellfish due to the presence of marine biotoxins as needed. The spread of red-tide offshore beyond town waters necessitated emergency action to enable *Marine Fisheries* to fully restrict shellfish landings and harvest to protect public health.

For further information please visit our website at [www.mass.gov/marinefisheries](http://www.mass.gov/marinefisheries).