



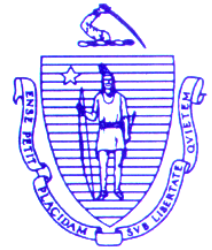
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*Director*

# *Commonwealth of Massachusetts*

## **Division of Marine Fisheries**

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*Commissioner*

January 14, 2013

### **Notice of Public Hearings Scheduled for February 13, 2013**

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Under the provisions of M.G.L. c. 30A and pursuant to the authority found at M.G.L. c. 130 § 17A and 21, the Division of Marine Fisheries (DMF) and the Marine Fisheries Advisory Commission have scheduled a public hearing and public comment period to accept comment on regulations to amend 322 CMR 3.00, 6.00, 7.00, 8.00 and 12.00. The proposed regulations will:

- 1. Lobster Management (322 CMR 6.01, 6.02 and 12.00)**
  - a. Permanently codify the recently enacted emergency regulations that increased the minimum carapace size for lobsters taken from Lobster Management Area 3 from 3 ½ inch to 3 17/32 inch; and
  - b. Beginning in 2014, to reduce the risk of right whale entanglements in lobster gear:
    - i. Implement a mandatory February 1 – April 30 closure to all lobster gear set in the state waters portion of the Cape Cod Bay Right Whale Critical Habitat Area; and
    - ii. Shift the two-month Outer Cape Cod Lobster Management Area haul-out period from January 15 – March 15 to February 1 – March 31 to better correspond with the local presence of right whales.
  
- 2. Commercial Scup and Black Sea Bass Management (322 CMR 6.27 and 6.28)**
  - a. Amend commercial black sea bass seasons, daily limits and open fishing days.
    - i. Postpone the opening of the commercial fishery until later in the year. Options for proposed opening dates include July 1, August 1, or September 1;
    - ii. Contingent up the adoption of the above proposal:
      1. Eliminate the 100 lbs. black sea bass bycatch limit during January – April;
      2. Increase the commercial trip limits to 500 lbs. per day for licensed sea bass pot fishermen and 200 lbs. for other authorized gear types (hook and line, trawl and weir); and
      3. Establish Sunday through Thursday as open fishing days during the open commercial fishing season.
  - b. Amend commercial scup seasons, daily limits and open fishing days –
    - i. For Hook and Line and Pot Gears Only:
      1. During May 1 – May 31, increase the trip limit for fishermen using hook and line or fish pots from 400 to 800 lbs. and allow commercial fishing five days per week (Sunday through Thursdays);
      2. During June 1 – June 30 allow commercial fishermen using hook and line or fish pots to land 400 lbs. and allow commercial fishing three days per week (Sunday, Tuesday and Wednesday); and
    - ii. For All Gears:
      1. Amend scup seasonal trip limits during July – October for all gears (hook and line, pots, and otter trawls) from 800 to 1500 lbs.

- c. Eliminate the requirement that all commercial scup and black sea bass permit holders file annual catch reports.
3. **Commercial Horseshoe Crab Management (322 CMR 6.34)**
  - a. Expand the May-June lunar-based spawning closures into April to address early season spawning related to warming water temperatures; and
  - b. Eliminate the quota monitoring closure language that allowed DMF to close the fishery on July 7 to tally monthly catch data for quota management purposes. Weekly dealer reporting negated the need for this regulation.
4. **Eliminate outdated recreational regulations (322 CMR 3.00, 7.05, 8.07 and 8.11)**
  - a. Eliminate restrictions on the numbers of hooks anglers may use to catch shad on the Palmer River and white perch on the Agawam river;
  - b. Eliminate regulations pertaining to coho salmon; and
  - c. Adjust various section references to conform to changes to 322 CMR 3.00.
5. **Minimum Size For Surf Clams Harvested in Federal Waters (322 CMR 6.08)**
  - a. When warranted, exempt on an annual basis, federal surf clam vessels fishing in federal waters and their dealers from the state's minimum size standard, so as to conform to federal regulations.
6. **Charter Boats and Posting Rules (322 CMR 7.10)**
  - a. Exempt permitted for-hire charter boats from the requirement to post minimum sizes and possession limits aboard the vessel.
7. **Gillnet Pingers (322 CMR 12.04)**
  - a. Eliminate state regulations requiring gillnet fishermen to use pingers to deter harbor porpoise entanglements. *Note: All vessels using gillnets in state-waters will still be subject to federal gillnet pinger regulations.*

### **Public Hearing Schedule**

**Wednesday February 13, 2013 at the Massachusetts Maritime Academy Admiral's Hall, 101 Academy Drive, Buzzards Bay, Massachusetts 02532. From 5:30 PM – 9:30 PM.**

Public comments will be accepted until 5PM on Friday, February 15, 2013. Please e-mail all public comments to [jared.silva@state.ma.us](mailto:jared.silva@state.ma.us) or send to 251 Causeway Street, Suite 400, Boston, MA 02114.

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](mailto:jared.silva@state.ma.us)), or visit our website ([www.mass.gov/marinefisheries](http://www.mass.gov/marinefisheries)).