



David E. Pierce, PhD
Director

Commonwealth of Massachusetts

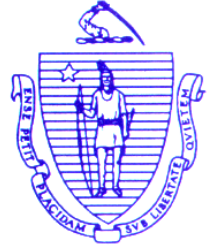
Division of Marine Fisheries

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December 14, 2018

Public Hearing Notice Right Whale Protections and Whelk Gauge Size

Under the provisions of M.G.L. c. 30A and pursuant to the authority found at M.G.L. c. 130 §§ 2, 17(10), 17A, 80 and 104, the Division of Marine Fisheries (DMF) is proposing draft regulatory amendments to 322 CMR §§6.00 and 12.00 to protect right whales and increase the minimum whelk gauge size.

1. **Right Whale Protections (322 CMR 12.04 and 12.05).**

- a. **Small Vessel Speed Limit:** DMF is proposing to implement a 10 knot speed limit for vessels smaller than 65' within those waters of Cape Cod Bay south of 42°08' N latitude and west of 70°10' W longitude during the period of March 1 – April 30. This is being proposed to prevent potential injury and mortality to right whales caused by ship strikes. A complementary federal rule exists that regulates vessels 65' and greater in this time and area.
- b. **Process to Adjust Speed Limit and Large Whale Seasonal Trap Gear Closure:** DMF is proposing to establish a declaratory process whereby the Director may adjust the duration of the above proposed speed limit rule or extend the Large Whale Season Trap Gear Closure in response to the presence of right whales in Massachusetts' waters.

2. **Whelk Gauge Increase (322 CMR 6.21).** DMF is proposing to increase the whelk gauge width by 1/8" on a biennial basis beginning in 2019 and concluding in 2029. This is being proposed to protect spawning stock biomass. The proposed gauge schedule and its anticipated protection of female spawning stock are described in the table below.

Proposed Schedule for Whelk Gauge Increases						
	2019	2021	2023	2025	2027	2029
Chute Gauge Width	3"	3 1/8"	3 1/4"	3 3/8"	3 1/2"	3 5/8"
Shell Width at 50% Retention	3 1/8"	3 1/4"	3 3/8"	3 1/2"	3 5/8"	3 7/8"
Percent Maturity of Female Whelks	0%	0%	0%	5%	20%	50%

Public Hearing Schedule

The Division of Marine Fisheries has scheduled two public hearings to take comment on these proposals. The public hearings will be held on:

11AM
January 19, 2019
Resort and Conference Center
35 Scudder Avenue
Hyannis, MA 02601

6PM
January 23, 2019
Hotel 1620
180 Water Street
Plymouth, MA 02360

Public Comment Instructions

The Division of Marine Fisheries will also accept public comment through 5PM on Friday, February 1, 2019. Please address all written comments to Director Pierce and submit to DMF by e-mail at marine.fish@state.ma.us or by post to 251 Causeway Street, Suite 400, Boston, MA 02114.