



Paul J. Diodati
Director

Commonwealth of Massachusetts

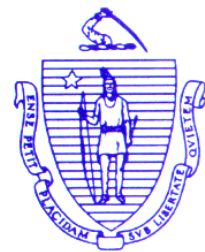
Division of Marine Fisheries

251 Causeway Street, Suite 400

Boston, Massachusetts 02114

(617)626-1520

fax (617)626-1509



Deval Patrick
Governor

Maeve Vallely Bartlett
Secretary

Mary B. Griffin
Commissioner

December 19, 2014

Notice of Public Hearings and Public Comment Period

Under the provisions of M.G.L. c. 30A and pursuant to the authority found at M.G.L. c. 130 § 17A, 21, 52, 80, 100A and 104, the Division of Marine Fisheries (DMF) and the Marine Fisheries Advisory Commission (MFC) have scheduled four public hearings and a public comment period to accept comment on draft and emergency regulations at 322 CMR 6.00, 7.00, 8.00 and 12.00.

1. **Striped Bass Management (322 CMR 6.07)**

a. **Commercial**

- i. To comply with recent changes to the Atlantic States Marine Fisheries Commission's Striped Bass Management Plan, DMF will reduce the commercial quota by 25%; and
- ii. To address the unlawful sale of striped bass retained on closed fishing days, require commercial fishermen fishing on closed fishing days to mark striped bass that meet the commercial minimum size by removing a pectoral fin and prohibit fish with a pectoral fin removed from entering commerce.

b. **Recreational**

- i. To comply with recent changes to the Atlantic States Marine Fisheries Commission's Striped Bass Management Plan, DMF is proposing to reduce the bag limit from 2-fish to 1-fish and maintain the existing 28-inch recreational minimum size; and
- ii. Accept comment on adopting alternative measures for anglers onboard for-hire vessels to allow a 2-fish bag limit at a higher minimum size. Options include:
 1. 2-fish bag limit with a 33-inch minimum size; or
 2. 2-fish bag limit with one fish between 28 and 36 inches and one fish of at least 40 inches.

2. **Summertime Small-Mesh Squid Fishery South of Martha's Vineyard and Nantucket (322 CMR 8.07)**. In response to concerns about the summertime small-mesh squid trawl fishery in state-waters south of Martha's Vineyard and Nantucket, DMF is proposing to rescind the small-mesh allowance for trawlers fishing in this area. Concerns raised by island fishermen include impacts on forage availability, benthic habitat impacts and mortality of non-target species.

3. **Clarification on Commercial and Recreational Fishing During the Same Trip (322 CMR 7.01)**

To clarify existing regulations and enhance enforcement, DMF is proposing to explicitly prohibit commercial fishermen from retaining, possessing and landing a recreational bag limit of fish while conducting a commercial fishing trip. This provision will not prevent commercial fishermen from keeping a quantity of their lawfully caught commercial catch for personal use. Rod and reel fishermen who catch an Atlantic bluefin tuna that is intended for sale will be allowed to also retain other fish species caught for recreational purposes.

4. **Retail Boat Permit (322 CMR 7.01)**. To improve and enhance compliance, enforcement and quota monitoring, DMF is proposing to restrict the use of the retail boat permit for the sale of only lobsters

and edible crabs to the public. This sale may occur only between a commercial fisherman and the general public and is further limited to occurring from a vessel that is in the water and tied up to any land, pier, dock, wharf or other artificial structure used for the purpose of receiving fish.

5. **Complement Federal Seasonal Pot/Trap Gear Haul-Out Period (322 CMR 6.02 and 12.00).**

DMF is proposing to take comment on recently filed emergency regulations that complement aspects of the federal Atlantic Large Whale Take Reduction Plan. These emergency regulations:

- a. Establish a February 1 – April 30 pot/trap gear haul-out period in the Massachusetts Seasonal Closure area, which includes waters of Cape Code Bay, Massachusetts Bay and the Outer Cape; and
- b. Adjust the existing Outer Cape Cod Lobster Management Haul-Out Period so that the timing corresponds with the new February 1 – April 30 pot/trap gear haul-out period.

6. **Management of Whelks (322 CMR 6.21).** To improve whelk conservation, DMF is proposing to:

- a. Require the immediate release on the fishing ground of all undersized whelks;
- b. Establish a daily commercial limit of 1 standard fish tote for the SCUBA/hand-harvest fishery; and
- c. Establish a daily recreational limit of 15 whelk per person.

7. **Maximum Surf Clam and Ocean Quahog Dredge Width (322 CMR 6.08).** To preserve inshore small boat shellfish dredge fishing opportunities, DMF is proposing to establish a state-wide maximum surf clam and ocean quahog dredge width of 48 inches.

8. **Prohibiting the At-Sea Fining of Spiny Dogfish (322 CMR 6.35).** In accordance with recent changes to the Atlantic States Marine Fisheries Spiny Dogfish Management Plan, DMF is proposing to prohibit the at-sea fining of spiny dogfish. This provision will not affect land-based fining activity conducted by lawfully permitted spiny dogfish processors.

For more information regarding the public hearing, public comment period or the regulatory proposals, contact Jared Silva by phone (617-626-1534) or through e-mail (jared.silva@state.ma.us).

Instructions for Written Comments

Written public comments will be accepted until the close of business on Friday, January 23, 2014. Please address all comments to Director Paul Diodati. Comments can be sent by e-mail to marine.fish@state.ma.us or by mail to 251 Causeway Street, Suite 400, Boston, MA 02114.

Public Hearing Schedule

Start Time: 10:00 AM
Wednesday, January 14, 2015
Katharine Cornell Theater
Tisbury Town Hall
54 Spring Street
Tisbury, MA 02568

Start Time: 6:00 PM
Wednesday, January 14, 2015
Admiral's Hall
Massachusetts Maritime Academy
101 Academy Drive
Buzzards Bay, MA 02532

Start Time: 12:00 PM
Thursday, January 15, 2015
Nantucket Community Room
4 Fairgrounds Road
Nantucket, MA 02554

Start Time: 6:00 PM
Tuesday, January 20, 2014
DMF Annisquam River Station
30 Emerson Avenue
Gloucester, MA 01930