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Commonwealth of Massachusetts

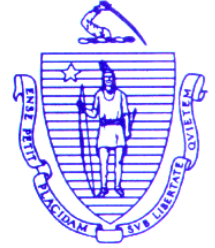
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December 30, 2015

Notice of Public Hearings and Public Comment Period: Rules Affecting the Commercial and Recreational Lobster and Pot Fisheries

Under the provisions of M.G.L. c. 30A § 2 and pursuant to the authority found at M.G.L. c. 130 §§ 2, 17A, 21, 37, 38, 38A and 80, the Division of Marine Fisheries (DMF) and the Marine Fisheries Advisory Commission have scheduled a public hearing and a public comment period to provide an opportunity to accept comment on a series of recently enacted emergency regulations that affected the commercial and recreational lobster and crab fisheries.

1. Gear Configuration Requirements to Complement Recent Amendments to the Federal Atlantic Large Whale Take Reduction Plan (322 CMR §§ 4.13 and 12.00).

- a. Require new Lobster Management Area (LMA) specific vertical line marking requirements for single pots and trawls. The marks must be 12" in length and be at the top, middle and bottom of the vertical line:
 - i. Single Pots in LMA 1: 12" inch marks of a combination of 6" of red and 6" of white.
 - ii. Single Pots in LMA 2: 12" inch marks of a combination 6" of red and 6" of black.
 - iii. Single Pots in Outer Cape Cod: 12" inch marks of a combination of 6" of red and 6" of yellow.
 - iv. Pot Trawls in LMA1, LMA2 and Outer Cape Cod: the marks must be 12" and red.
 - v. Pot Trawls in LMA3: the marks must be 12" and in black. 12".
 - b. Prohibit the use of single pots in certain waters of Cape Cod Bay and Massachusetts Bay seaward of three miles from shore, excluding certain waters in southeast Cape Cod Bay.
 - c. Prohibit the use of rope that exceeds 3/8" diameter for use as vertical lines.
 - d. Require that multiple vertical lines may only be used on trawls consisting of four or more pots. The use of more than one vertical line on trawls consisting of two or three pots would be prohibited.
 - e. Eliminate regulations that refer to previous iterations of the Atlantic Large Whale Take Reduction Plan that are no longer valid.
- #### 2. Rules Affecting the Recreational Lobster Fishery (322 CMR § 12.00)
- a. To support the goals of the Large Whale Take Reduction Plan, recreational lobster traps are prohibited during the period of February 1 through April 30 in the state waters portion of the federally enacted Massachusetts Restricted Area, which consists of all state-waters within lower Massachusetts Bay and Cape Cod Bay south of Scituate Harbor and east of Cape Cod.

3. **To comply with the recently approved ASMFC Jonah Crab Plan, the following rules were enacted affecting both jonah and rock crabs (322 CMR § 6.44):**
 - a. A commercial 4 ¾” minimum carapace width.
 - b. Requirement that all crabs be landed whole.
 - c. Prohibition on the possession and landing of egg bearing female crabs.
 - d. Prohibition on the removal or attempted removal of eggs from female crabs.
 - e. Requirement for any person harvesting cancer crabs for commercial purposes in the Commonwealth to hold a commercial lobster permit issued by DMF.
 - f. Requirement that all trap gear fished for cancer crabs be fished in accordance with all existing lobster trap gear rules.
 - g. Establish a 200 crab per day or 500 crab per trip possession and landing limit for non-trap fishermen.
 - h. Adopt a 50 crab per day recreational limit.

4. **LMA 2 Trap Allocation Reductions and Liberalizations to Trap Transfer Rules (322 CMR §§ 6.13 and 7.03)**
 - a. Reduce LMA2 trap allocations by 25% on January 1, 2016 and then 5% per year on January 1 from 2017 – 2021.
 - b. Authorize LMA2 trap fishermen to acquire multiple coastal lobster permits and trap allocations in excess of 800 traps for the purpose of banking trap allocations to mitigate impacts of the scheduled trap reduction program. No coastal lobster permit holder will be authorized to fish multiple coastal lobster permits or more than 800 traps.

5. **Clarify and Consolidate Existing Lobster Management Regulations (322 CMR §§ 3.04, 4.13, 4.16, 6.02 and 12.00).**
 - a. Move existing lobster trap marking rules from 322 CMR § 3.04 to 322 CMR § 4.13.
 - b. Move existing lobster gear marking rules for SCUBA gear from 322 CMR § 3.04 to 322 CMR § 4.16.
 - c. Consolidate the maximum and minimum lobster size rules at 322 CMR § 6.01 into the lobster conservation and management rules at 322 CMR § 6.02.
 - d. Revise 322 CMR § 4.13, 6.02 and 12.00 to improve the clarity and readability of the sections.

Public Hearing Schedule

**12:30PM
Saturday, January 23, 2016
Sea Crest Beach Hotel
350 Quaker Road
North Falmouth, MA**

Written public comments will be accepted until 5:00 PM on Friday, January 29, 2016. Please address all comments to Director David Pierce. 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.

To obtain a copy of the proposed regulations please visit the public hearing notice section on our website (www.mass.gov/marinefisheries). For more information regarding the public hearing or the regulatory proposals, contact Jared Silva by phone (617-626-1534) or through e-mail (jared.silva@state.ma.us).