



Paul J. Diodati
Director

Commonwealth of Massachusetts
Division of Marine Fisheries
251 Causeway Street, Suite 400
Boston, MA 02114
(617) 626.1520
Fax (617) 626.1509



December 31, 2008
Marine Fisheries Advisory

NOTICE OF PUBLIC HEARINGS
SCHEDULED FOR **JANUARY 26 & 27, 2009**

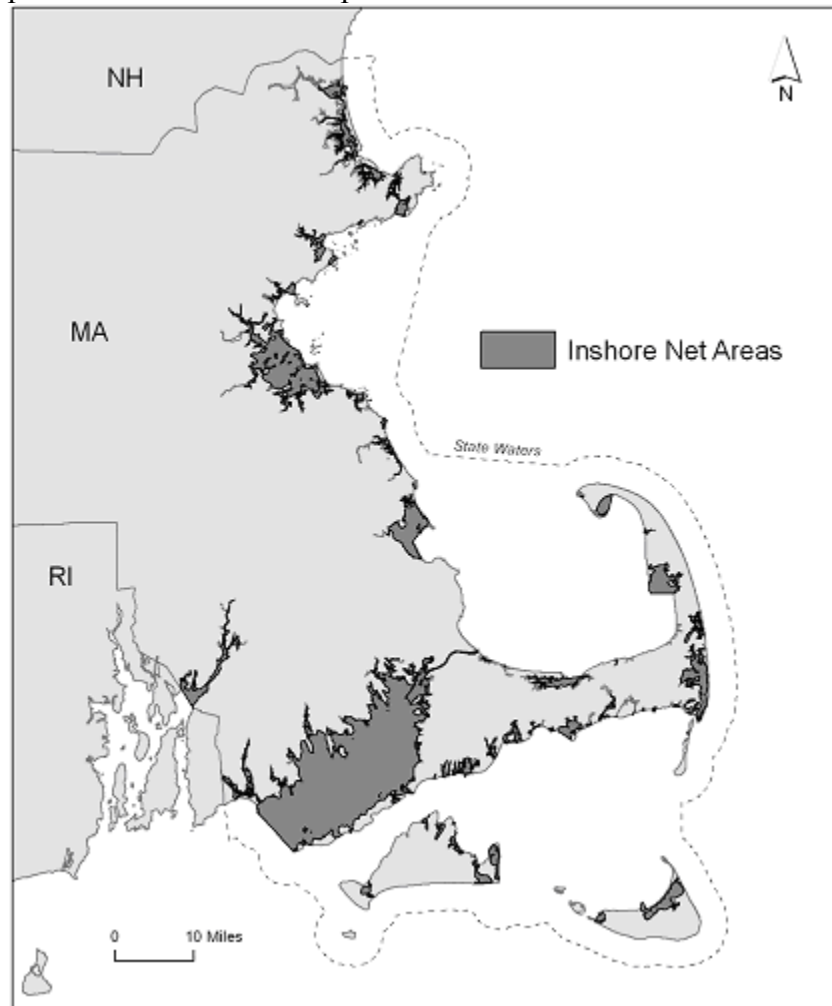
Under the provisions of M.G.L. Ch 30A and pursuant to the authority found in M.G.L. Ch. 130 ss. 2, 17A, 38, 80 & 100A Division of Marine Fisheries (DMF) and the Marine Fisheries Advisory Commission (MFC) have scheduled public hearings to accept comments on:

1. **DMF proposals to amend regulations governing pelagic fisheries for species such as menhaden, sea herring and mackerel conducted in waters under the jurisdiction of the Commonwealth using various gear types, including purse seines, surface gillnets, and cast nets. Proposals include a) purse seine permit and vessel size requirements; b) surface gillnet permit requirements and gear specifications; and c) cast net permitting requirements. Note: Certain proposals apply to the Inshore Net Regulated Areas as defined in 322 CMR 4.02.**
 - a. Purse seine permit and vessel size proposals (322 CMR 7.00 & 8.00), include:
 - i. Clarification that a Coastal Access Permit (CAP) for mobile gear is required to use purse seines, but that moratorium on new CAPs does not apply to those being issued specifically for the use of purse seines;
 - ii. Clarification that the 72-foot maximum vessel length limit for CAP holders does apply to purse seine vessels but propose to exempt certain permit holders who have fished purse seines with vessels longer than 72-feet in waters under the jurisdiction of the Commonwealth since 1995; and
 - iii. Continued limitation on purse seining in the Inshore Net Regulated Areas as regulated through permit conditions.
 - iv. Accept comments on a prohibition on purse seining in the Inshore Net Regulated Areas on certain days of the week such as weekends.
 - b. Surface gillnet permit & gear specifications proposals (322 CMR 4.14, 6.07, 7.00 & 12.00), include:
 - i. Require a commercial surface gillnet permit and annual catch reporting to fish this gear in any approved waters under jurisdiction of the Commonwealth. This amends the current requirement to obtain an Inshore Net Restricted Area Permit to fish these areas with a surface gillnet. Use

of surface gillnets smaller than 200 square feet would be exempt from the permit requirement.

- ii. Require any person using a surface gillnet for purposes of obtaining bait for sale to person who is not a licensed dealer to obtain both a commercial fishermen's permit and a bait dealer's permit.
- iii. Clarify that vessels using or possessing only surface gillnets shall not be precluded from possessing striped bass under a longstanding regulation that prohibits striped bass possession for vessels "rigged for netting."
- iv. New section (322 CMR 4.14) that establishes restrictions on the use of surface gillnets including:
 - 1. a tending requirement for all fishermen fishing surface gillnets to remain within 100 feet of the net at all times;
 - 2. gear marking requirements where for each 50 linear feet of gillnet, at least one headrope float must be marked with the DMF 6-digit permit number, and a buoy marking scheme that displays the letters "SNN" and the 6-digit number;
 - 3. Maximum net length of 200 feet fishing at any one time.
Comments will be accepted regarding the adoption of a larger maximum net length. Additional nets may not be used but may be stowed aboard the vessel;
 - 4. A maximum mesh opening of 3 ¾" and a minimum mesh opening of 2 ½";
 - 5. Seasonal river herring protection closure that prohibits the use of surface gillnets in the Inshore Net Restricted Areas prior to June 1 in any year;
 - 6. Year-round prohibition of surface gillnets in Buzzards Bay ;
 - 7. Prohibition on setting a surface gillnet within a designated navigation channel;
- c. Cast net permitting & use proposals (322 CMR 4.15), include:
 - i. Allow any person to use a cast net for purposes of catching bait species for personal use without a permit;
 - ii. Require any person using a cast net for purposes of obtaining bait for sale to a bait dealer to obtain a commercial fishing permit;
 - iii. Require any person using a cast net for purposes of obtaining bait for sale to someone who is not a dealer to obtain both a commercial fishermen's

permit and a bait dealer's permit.



2. **DMF proposal to allow for-hire fishing operations to dispose of striped bass frames (racks) at-sea after filleting fish (322 CMR 6.07).**
3. **DMF proposals to complement federal rules affecting fixed gear and trap/pot use as mandated by updates to the Atlantic Large Whale Take Reduction Plan and Harbor Porpoise Take Reduction Plan, including:**
 - a. elimination of a November prohibition on use of sink gillnets in an area north of Cape Cod (322 CMR 4.08);
 - b. color-specific buoy line marking requirements for all fixed and pot/trap gear (322 CMR 4.13);
 - c. amending the definition of storing or abandoning fixed gear to require hauling gear at least every 30 days (322 CMR 4.13 & 12.02);
 - d. prohibiting gillnets during March in certain waters under the jurisdiction of the Commonwealth south of Cape Cod (322 CMR 12.04);
 - e. requiring weak links with a breaking strength of up to 600-lbs. on all trap/pot gear fished year-round in waters under the jurisdiction of the Commonwealth, except for the current 500-lb weak link requirement in the Right Whale Critical Habitat from January thru May 15 (322 CMR 12.05); and

- f. requiring acoustic pingers on sink gillnets fished during September 15th thru May in Upper Massachusetts Bay and Ipswich Bay from Marblehead to the New Hampshire Border and during December 1 thru February and April 1 thru May in the Massachusetts Bay & Cape Cod South Areas (322 CMR 12.12).
4. **DMF proposal to require commercial lobstermen authorized to fish traps in the Outer Cape Cod Lobster Conservation Management Area to fish only traps rigged with current trap tags after March 15 (322 CMR 6.31).**
5. **DMF proposal to adopt a November 6, 2008 control date for the spiny dogfish fishery (322 CMR 7.04).** No restrictions are currently proposed for use with this control date.

**Public hearings have been scheduled for
Monday, January 26, 2009 (6PM) at the
Annisquam River Marine Fisheries Station (30 Emerson Ave. , Gloucester) &
Tuesday, January 27, 2009 (6PM) at Radisson – Plymouth Harbor (180 Water St.).**

Comments received by e-mail (marine.fish@state.ma.us), fax (617.626.1509), or mail (251 Causeway St., Suite 400; Boston, MA 02114) will be accepted until 3PM on Friday, January 30, 2009.

Contact DMF for regulations and further details or visit our website at
www.mass.gov/marinefisheries.