



The Commonwealth of Massachusetts

Division of Marine Fisheries

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Notice of January 5, 2022 Virtual Public Hearing and Public Comment Period: Draft Regulatory Amendments Affecting Buoy Line Marking for Trap Gear, Commercial Lobster and Crab Trap Tag Implementation Deadlines, and Seasonal Student Lobster Permits

Under the provisions of G.L. c. 30A and pursuant to the authority found at G.L. c. 130 §§ 17A, 21, 38, 80 and 104, the Division of Marine Fisheries (DMF) is taking public comment and holding a virtual public hearing on draft regulations to amend 322 CMR 4.00, 6.00 and 7.00. Full text of the draft regulations may be found on [DMF's website](#) along with additional relevant background information.

Buoy Line Marking Rules (322 CMR 4.13). In June 2021, DMF implemented new buoy line marking rules for the commercial lobster and crab trap fishery effective February 2022. Diagrams of these new buoy line marking requirement are available [here](#). Now, DMF is proposing to modify this buoy line marking rule in two ways:

1. Have the new state waters buoy line marking requirements apply to all commercial trap gear, not just commercial lobster and crab traps—this is inclusive of all fish pots and conch pots. This follows NOAA Fisheries' proposal to list the state's lobster and crab trap, fish pot, and conch pot fisheries as a separate and single Massachusetts Mixed Pot Fishery on its 2022 List of Fisheries. Such a designation requires DMF adopt a distinct gear marking rule for the Massachusetts Mixed Pot Fishery. DMF can meet this requirement by applying the existing buoy line marking requirements for the state waters commercial lobster and crab trap fishery to the other trap fisheries in the Massachusetts Mixed Pot Fishery.
2. Modify the buoy line marking requirements for lobster and crab trap permit holders who are dually permitted by DMF and NOAA Fisheries to set gear in both state and federal waters under the same permit. The proposed modification would require all red marks in the buoy line be accompanied by a corresponding green mark when the gear is fished in federal waters and for there to be no marks other than red marks (or white marks if the buoy line is red) when the gear is set in state waters. This refinement works to maintain the integrity of the jurisdiction specific buoy line marking scheme by ensuring buoy lines cannot be unintentionally misattributed to state or federal waters due to the presence of a remnant mark.

Trap Tag Installation Deadline (322 CMR 6.31). DMF is proposing to establish a May 1 trap tag installation deadline for all Lobster Conservation Management Areas (LCMAs). This would ensure all gear being set in LCMA 1 or OCCLCMA after the conclusion of the seasonal trap gear closure is configured with a trap tag for the current year. Additionally, it would move forward the trap tag installation deadline for LCMA2 from June 1 to May 1 consistent with the other LCMAs.

Seasonal Lobster Permit (322 CMR 7.01). DMF is proposing to clarify in regulation that the seasonal lobster permit is a resident-only permit, consistent with the residency requirement established for this permit by state law at G.L. c. 130, §38.

Public Hearing and Comment Schedule

DMF will accept written public comment until 5PM on Friday, January 14, 2022. Please submit written comments to Director Daniel McKiernan by e-mail (marine.fish@mass.gov) or post (251 Causeway Street, Suite 400, Boston, MA 02114).

A virtual Zoom public hearing is also scheduled for Wednesday, January 5, 2022 at 6PM. To attend this virtual public hearing, please register through this [link](#). Once you are registered, you will receive information regarding how to login to the hearing.