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DMF NEWS

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Federal judge seeks groundfish remedy

New rules coming by May 1 - DMF intervenes to offer advice

The Sustainable Fisheries Act enacted by Congress in 1996 was supposed to stop overfishing and minimize the waste of by-catch in commercial fisheries. Federal fishery managers are mandated to assess stocks and if overfished, recover them to certain levels within 10 years. There's been some success: nearly all groundfish stocks (cod, haddock, flounders, etc.) have increased since 1996. But in most cases stocks will not rise quickly enough to meet the Act's 10-year mandate. Each species has it own biological characteristics, stock size and rebuilding target levels.

The problem is most commercial net fisheries harvest many species. Single-species recovery goals are difficult to achieve in multispecies fisheries. The rebuilding timetables, biological targets, and mandates to minimize by-catch and discards appear to be more difficult than the New England Fishery Management Council could deal with - or that Congress anticipated.

Massachusetts fishermen are already subject to extended seasonal area closures and other conservation restrictions. Most prime fishing grounds are closed to commercial fishing six months of the year. When allowed to fish, fishermen often report unprecedented catches and for species with trip limits such as cod (daily limit 400 lbs.), they are forced to discard excess fish overboard. Many young and middle-aged fishermen are seeing the largest catches of their careers. But for many species including Gulf of Maine cod, the current level of fishing is too high to meet the mandates of the SFA and to reach the species-specific rebuilding targets within 10 years.

A lawsuit filed by the Conservation Law Foundation and other environmental groups has succeeded in getting the attention of the court. U.S. District Judge Gladys Kessler has ordered NMFS and Secretary of Commerce (SOC) to devise a remedy to be in place by May 1. This means the New England Fishery Management Council may not be deciding the fate of groundfish management.

Because these targets have not been achieved in a timely manner, Judge Kessler found federal regulators had violated the overfishing, rebuilding, and by-catch provisions of the SFA. Frustrated that managers had failed to implement necessary management measures during the past 2 years - she now insists the remedy be accomplished within 60 days.

The expected impacts of the "remedy" could be devastating to local fishing communities. Consequently, many industry organizations, fishing communities, and states have been granted intervenor status. Judge Kessler urged parties to confer with each other in crafting the remedies.

Judge Kessler has established the following schedule:

March 1: The federal government shall provide her with its proposed remedy. The proposal shall include: (a) a series of options listed in order of restrictiveness; (b) an appropriate analysis of each option; (c) 2002-2003 season total allowable catches (TACs) under Amendment 9 for all species; (d) which option is recommended and why; and (e) if government can't comply with any of these requirements there must be an explanation as to why it can't comply.

March 15: All intervening parties shall review the NMFS remedy and provide the Court with their proposed remedy.

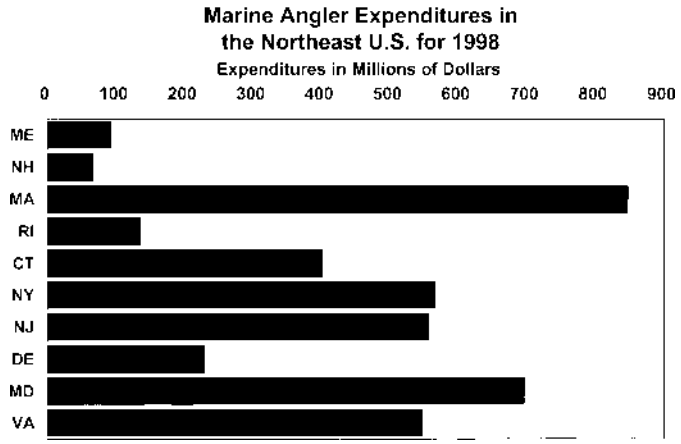
DMF, working through the state's Attorney General's Office, is a key player among the intervenors. DMF is represented by Dr. David Pierce who has worked on New England groundfish issues for two decades and now serves as the Director's designee on the Council. Also, any gear-based solutions to minimizing discards will require the expertise of DMF's internationally recognized Conservation Engineering Program. DMF has been a leader in designing fishing gear to reduce bycatch and waste of groundfish and other species. This commitment and experience will benefit the Court in developing a remedy to achieve the conservation goals.

Events are moving very fast. Court involvement means decisions will be made quickly. There will be intense debate on the waterfront and in meeting rooms in the months ahead regarding the appropriateness of the six-year old Sustainable Fisheries Act. The law, the scientific advice, and the nation's federal fishery management process will be scrutinized. The pressure to meet the letter of the law is expected to trump traditional concerns about socioeconomic impacts on our fishing communities.

By Dan McKiernan, editor

Massachusetts Recreational Fisheries News

Recreational fishery #1 in the Northeast

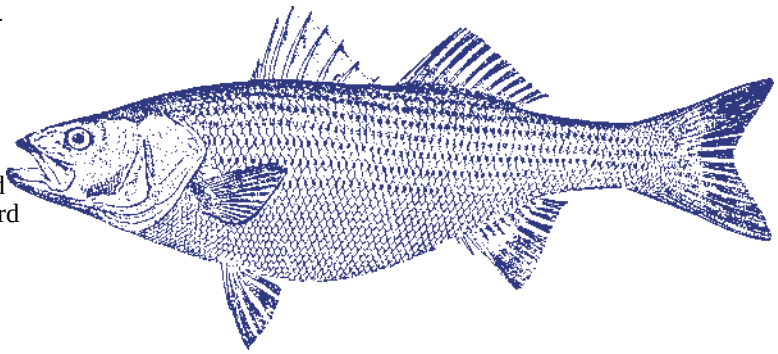


Marine recreational anglers spend upwards of one billion dollars annually in the Bay State. A new study released by the National Marine Fisheries Service, based on 1998 data, shows that expenditures in the northeast U.S. were highest in Massachusetts, ahead of Maryland and New York. Massachusetts placed third along on the east coast, behind Florida and North Carolina, both with year-round recreational fisheries.

The study totalled all expenditures on marine fishing equipment and fishing trips including boats, vehicles, lodging, tackle, fuel, bait, rods and reels, food, charter fees, etc. This results underscore the significance of marine angling to the Massachusetts economy. Additionally, the study found that about 650,000 people participated in 1998, and more recent data show close to 800,000 participants in Massachusetts, clear sign of the importance of marine angling as a recreational activity.

No doubt the major contributor to the popularity of marine fishing in Massachusetts is our reputation for outstanding catches of a variety of fish species. The recent resurgence of striped bass, fluke and scup stocks has created some of the finest fishing in the nation! DMF is working hard to ensure that this situation continues for years to come.

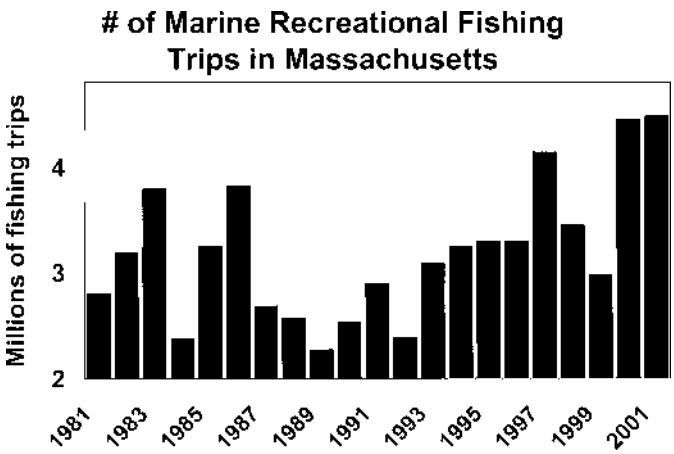
The report entitled, "Marine angler expenditures in the Northeast Region, 1998", is available at this website: http://www.st.nmfs.gov/st1/econ/pubs.html

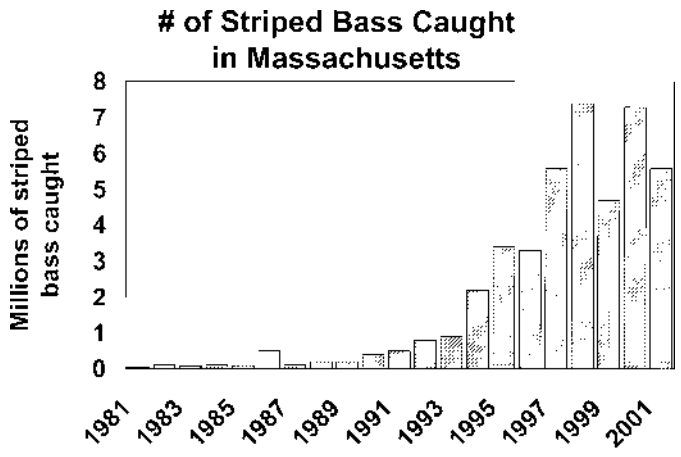


Catches up again in 2001...

Marine recreational anglers had another banner year of fishing in Massachusetts in 2001. According to data from the Marine Recreational Fisheries Statistical Survey (MRFSS), Massachusetts anglers caught almost 16 million fish last year (not counting the ones that got away!). The top five species were as follows: striped bass (5.6 million), cod (1.9 million), mackerel (1.9 million), scup (1.7 million), and bluefish (1.3 million). The tremendous catch of striped bass parallels the resurgence of the stock over the last ten years (see graph). Cod, fluke, and scup also show large increases in catches in the last few years, reflecting the increased abundances of these stocks. The number of fishing trips taken in Massachusetts marine waters is at an all time high (4.5 million) for the time series that began in 1981 (see graph). It appears that years of sacrifice by both recreational and commercial anglers in conjunction with responsible management actions are producing positive results for Massachusetts anglers. We look forward to even a better season in 2002

by Dr. Michael Armstrong, Sportfish Program Coordinator





Massachusetts Saltwater Fishing Derby 2001 Awards

Each year March 1 through November 30 DMF conducts the Massachusetts Saltwater Fishing Derby. Fish entered must be caught on hook and line and must be measured and weighed at a DMF-certified official weigh station. At the end of the derby year, trophies are awarded to anglers who landed the heaviest fish in each species category. Winners are chosen in three divisions - men, women, and juniors (age 15 and younger).

This year 40 anglers were awarded engraved silver-plated Paul Revere bowls. DMF Director Paul Diodati and Commissioner Dave Peters presented the awards on February 3, 2002 at the Eastern Fishing and Outdoor Expo in Worcester, MA. The winners for 2001 are listed below.

Three state records were established for species that were new to the derby in 2001. Paul Burk of Ipswich, MA landed a 49 lb 3 oz albacore while fishing south of Nantucket on August 17; Paul Marshall of Centerville, MA caught a wahoo weighing 55 lbs 8 oz on August 1; and a 28 lb 8 oz dolphin caught last year by Larry Crowley of Manomet establishes the record for that species. Records for porbeagle shark, Spanish mackerel, and thresher shark remain vacant.

The *Skillful Skipper* was awarded to Captain Dan Lukegord of the party boat CAPTAINS LADY II. Three of this year's derby winners caught their fish on his boat.

by Drew Kolek

Photo courtesy of Larry Crowley

Larry Crowley and his state record dolphin (mahi mahi).

2001 Winners

Species	Minimum Entry Weight (lbs.)	State Record	Division	Name	Winning Weight
Albacore	30	**49 lbs. 3 oz: New Record**	Men	Paul Burk III	49 lbs 3 oz
Bluefish	10	27 lbs 4 oz	Men	Jeff Capute	15 lbs 9 oz
Bluefish	10		Women	Christie Muir	25 lbs
Bluefish	10		Junior	Sean Brady	20 lbs
Bluefin Tuna	300	1228 lbs	Men	James Webster, Jr	670 lbs
Bluefin Tuna	300		Women	Danielle Macphee	383 lbs
Bonito	7	12 lbs 7 oz	Men	Michael Pontone	9 lbs 4 oz
Bonito	7		Women	Marlene Hegarty	7 lbs 10 oz
Bonito	7		Junior	Daniel K. Tabor II	8 lbs 3 oz
Cod	25	92 lbs	Men	Robin Leslie	54 lbs 3 oz
Cod	25		Women	Lori Strawser	35 lbs
Cod	25		Junior	Kevin Muldoon	41 lbs 8 oz
Cusk	20	34 lbs. 4 oz	Men	Tim Andre	26 lbs
Dolphin	10	28 lbs 8 oz	Men	Charlie Rubino	20 lbs 14oz
Fluke	5	21 lbs 8 oz	Men	John Nadeau	14 lbs
Fluke	5		Women	Cindy Temple	10 lbs 9 oz
Fluke	5		Junior	Diana Metcalf	6 lbs 4 oz
Fluke	5		Junior	Ryan Crowthier	6 lbs 4 oz
Haddock	8	20 lbs	Men	Robert Malonson	10 lbs 12 oz
Mako Shark	100	1,324 lbs.	Men	Luke Sweeney	1,221 lbs
Pollock	20	48 lbs 2 oz	Men	Ken Jones	36 lbs 8 oz
Scup	2	5 lbs 14 oz	Men	Jeff Capute	3 lbs 10 oz
Scup	2		Women	Bonnie Cottuli	2 lbs 6 oz
Scup	2		Junior	Vladimir Smirnov III	2 lbs 4 oz
Black Sea Bass	3	8 lbs	Men	Joseph Juaire	5 lbs 6 oz
Black Sea Bass	3		Women	Bernadette Saucier	5 lbs 2 oz
Black Sea Bass	3		Junior	Christopher Wideman	4 lbs 1 oz
Striped Bass	30	73 lbs	Men	Daniel Dugan	58 lbs 4 oz
Striped Bass	30		Women	Carol Plummer	41 lbs 5 oz
Striped Bass	30		Junior	Samuel Butler	40 lbs 14 oz
Striped Bass	30		Junior	Ryan Wood	40 lbs 14 oz
Tautog	8	22 lbs 9 oz	Men	Rick Avila	15 lbs 8 oz
Tautog	8		Women	Eileen Genthner	10 lbs 4 oz
Tautog	8		Junior	Vladimir Smirnov III	8 lbs
Wahoo	30	**New Record**	Men	Dr. Paul K. Marshall II	55 lbs 8 oz
Winter Flounder	2	8 lbs 2 oz	Men	Jason Colby	4 lbs 6 oz
Winter Flounder	2	8 lbs 2 oz	Women	Diane Beddia	5 lbs 8 oz
Wolf fish	20	55 lbs	Men	Wayne Smith	55 lbs
Wolf fish	20		Women	Carol Loiacono	23 lbs 8 oz
Wolf fish	20		Junior	Chester Seaman	38 lbs

Anadromous fish program update

Anadromous fish are those fish that live most of their lives in saltwater but move into freshwater to spawn. These species are important ecosystem components of our local rivers, lakes, estuaries, and coastal waters. Species of anadromous fish found in Massachusetts' waters include American Shad, river herring (alewives and blueback herring), Atlantic salmon, sturgeon, rainbow smelt, sea lamprey, gizzard shad, and striped bass. Most of these species were historically very important to Native Americans and the early colonists because their great abundance made them an easy seasonal food source. However, most populations of these species have been severely reduced over the last two centuries by destruction and degradation of their spawning and nursery grounds in freshwater and by construction of dams that block their spawning migrations.

DMF's Anadromous Fish Project is charged with monitoring and restoring the anadromous fish populations in Massachusetts. The project personnel build and maintain fishways on a number of rivers to help restore populations. These fishways allow migrating fish to by-pass dams and complete their spawning migrations. There are currently about 150 fishways on the state's coastal streams and rivers, and it is an enormous task to maintain and repair these structures. In spite of dwindling budgets and manpower, the Anadromous Fish Project accomplished a great deal in 2001.

Fishway Construction

By taking advantage of a variety of funding sources, sufficient money was available to purchase materials and, in some cases, to contract for design and installation services. The following projects were completed during the year:

Town Brook, Plymouth - Installed three sections of aluminum steeppass fishway in nonfunctional concrete weir-pool ladder. One of five fishways on the system, this in combination with dam removal scheduled for spring of 2002 will access 270 acres of alewife spawning/nursery habitat. This was the first documented installation of a prefabricated steeppass within an existing concrete ladder as a means of restoring function.

Jones River, Kingston - Installed five sections of aluminum steeppass fishway in nonfunctional concrete weir-pool ladder. The first of four fishways on the system, this will insure alewife access to approximately 20 acres of spawning/nursery habitat.

Herring Brook, Pembroke - Replaced two wooden Denil-style fishways with similar structures to maintain access to 240 acres of habitat for alewives.

Agawam River, Wareham - Installed aluminum steeppass fishway sections in inefficient concrete weir- pool ladder.

Agawam River, Wareham - Replaced a dilapidated wooden fishway with four aluminum steeppass sections to restore access to a 200-acre alewife spawning area.

Mill Creek, Barnstable - Replaced dilapidated wooden ladder with similar structure to allow alewives to enter a 14 acre alewife spawning/nursery habitat.

Paskamanset River, Dartmouth - Modified the entrance channel and lower baffle section of an existing, nonfunctioning ladder to provide access for alewives and blueback herring to seven river miles and 2 pond acres of habitat.

DMF begins statewide inventory of anadromous fish runs

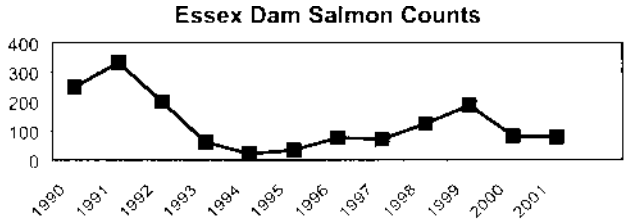
In July, 2001, DMF staff began a survey of all coastal rivers and streams in eastern Massachusetts. This is an update of a DMF survey conducted in 1970 by Ken Reback and Buzzy DiCarlo. The objectives are to assess the current status of existing anadromous fish runs with emphasis on river herring and shad, to document the physical characteristics, condition and functionality of existing fishways and impediments to fish passage, and to evaluate potential spawning areas and determine the possibility of establishing new anadromous fish runs . Additionally, the location of each fishway and dam will be recorded for use in creating a GIS database. The resulting document will provide invaluable guidance on anadromous fish restoration in coastal Massachusetts as well as recommendations for providing new fish passages and repair and maintenance of existing fishways.

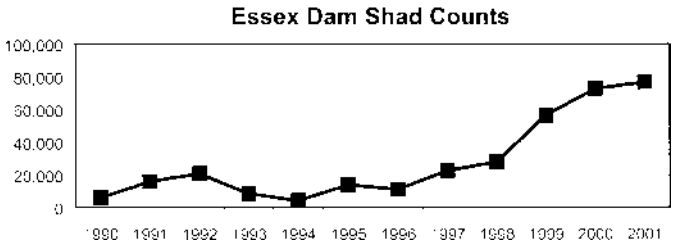
As of this date, the survey has been completed for the southeastern Massachusetts and Cape Cod watersheds. The survey will move up the coast toward Boston and finally to the North Shore watersheds. The field portion of the survey will be completed by mid-summer of 2002. The data will be published over the next year in two forms: a report for use by biologists and watershed teams for technical evaluations, and a more layperson-friendly version for use by interested parties looking for more general information about our anadromous resources. This work is being funded by the Watershed Initiative of the Executive Office of Environmental Affairs. *For further information on the anadromous fish survey, contact DMF biologist Phil Brady at 508-563-1779 ext. 115.*

Merrimack River Fish Monitoring: shad count high, salmon still low

The Merrimack River, because of its large size, historically had large spawning runs of several anadromous fish species, most notably shad and Atlantic salmon. Large dams and water pollution decimated most of these populations many years ago. Through construction of fish lifts at the large dams and cleaning of the water by reduction of industrial wastes, some species are slowly making a comeback. In an effort to monitor this recovery, all fish passing through the Essex Dam fish lift in Lawrence are counted each year. The counting and lifting operations began in 2001 on May 7 with operations continuing through July 20, 2001. During this time period a total of 519 lifts were made over the 64 operating days.

Fish passage totals for 2001 are as follows: American shad (76,717), river herring (1,550), striped bass (511), Atlantic salmon (78), sea lamprey (3,665) and gizzard shad (57). The American shad run this spring is the largest recorded since this facility became operational in the spring of 1983. River herring totals were disappointingly low while Atlantic salmon continue to return in modestly low numbers despite intense stocking efforts. Striped bass passage has steadily declined from their 1997 peak.





New permit required for party, charter, and guide boats

DMF will begin selling permits on April 1

As of April 1, 2002, DMF will require any individual or corporation who owns or operates vessel(s) engaged in recreational fishing on a for-hire basis to hold a special permit per 322 CMR 7:01 (4)(e). This permit will allow DMF to communicate to these businesses about rule changes that will be specific to this sector. Future allocations decisions for some species could directly affect this sector, and it will be critical for DMF's fishery managers to have accurate data on these businesses.

Any applicable individual or corporation who currently holds a commercial license must turn in their current license with the form entitled "Application for Commercial Fishing and/or For-Hire Vessels" to the DMF's licensing office. A new commercial fishing license with the For-Hire endorsement will subsequently be issued. Those individuals or corporations who do not currently hold a commercial license must simply fill out the above-mentioned form and submit it to the licensing office in order to receive the special permit.

In order to provide adequate processing time for those affected by the above regulation, the for-hire vessel special permits will become available on March 1, 2002. For further information on the regulation please refer to the following:

The special permit costs $10, and is required to be carried on every vessel operating on a for-hire basis. This permit will not be needed by individuals hired to guide fishing parties from shore or by individuals hired to guide fishing parties aboard privately owned vessels. DMF will require applicants to submit a US Coast Guard Captain's license to qualify for this permit. Three permit classes will be sold: (A)Head Boat: Issued to vessels carrying seven or more paying customer; (B) Charter Boat: Issued to vessels carrying three to six paying customers; and (3) Guide Boat: Issued to vessels carrying up to two paying customers.

For more information, contact DMF Licensing at (617) 626-1520.

Trawl Gear Testing Project 2002: Science & industry working hand in hand

Cod conservation is key to preventing large-scale closures of Massachusetts prime fishing grounds and fishermen are rising to the challenge to devise net designs to minimize cod catch.

DMF's Arne Carr collaborating with Chris Glass (Manomet Center for Conservation Services) headed north last month with several New England fishermen and gear specialists to the Fisheries and Marine Institute of the Memorial University of Newfoundland for a gear-testing and evaluation project, federally funded through the Northeast Consortium.

Although the weather outside was not very inviting, inside the University's Center for Sustainable Aquatic Resources (CSAR) was warm and the research team ignited the air with collaborative ideas and fresh perspectives for improving fish-harvesting technology.

CSAR is home of the famous Canadian flume tank. The facility is unique in having the only operational controlled water velocity and seabed velocity flume tank in North America. The tank allowed for close and precise inspection of towed fishing gear and some static gear under controlled conditions. Gear could be viewed in the tank as adjustments were made to the velocity of the water flow and the "floor" speed.

The project involved the fishermen's construction of gear that would fit into the flume tank, resulting in the scaling down of normal gear specifications. The nets were measured optically, and then scaled up to full size using the facility's computer software to show the impact of any adjustments. "It was interesting seeing actual scaled-down models of trawls reacting to various speed and spread like that," said fisherman Dan Murphy, of Dracut, MA., "Experiencing the flume tank at the Marine Institute was just unbelievable."

This opportunity to cooperatively utilize the flume tank enabled all involved to reach the project's three primary goals: to test fishermen's bycatch reduction methods through scale models of their gear designs; to test, evaluate, and improve gear already in use; and to test specific gear, such as codend covers, used in research and commercial gear development. "The trip was an excellent shot in the arm for conservation engineering," said Gregg Morris of MCCS. "Fishermen went away from this trip with a better understanding of gear and also of the people who are working with them, such as DMF and Manomet, to try to find answers to problems regarding bycatch and towed fishing gear," he said.

Photo by Arne Carr

Mark Szymanski, Luis Ribas, Scott Westcott, Joe Scola and Mary O'Rourke working on Joe's scaled down net.

DMF Staff Photo

Luis Ribas and DMF's Arne Carr at the flume tank.

Local draggermen's net designs that were tested in the tank:

Joe Scola of Gloucester tested a "low rider" net to reduce cod catch. This net low-profile net's headrope is only 3-4 feet off-bottom. Scola hopes the net can be towed along the ocean floor below schools of cod.

Dan Murphy wants to allow cod to escape through "fish eyes," holes in the net's extension piece that cod can dart through while flatfish fall back into back of the net. This design may have application in separating other species in trawl fisheries. For example scup discards in the offshore squid fishery may be solved with this design.

Luis Ribas has designed a "topless" net that will retain flatfish but allow cod to rise up and out of the net because the headrope is set way back behind the footrope. Ribas' design has proven successful to reduce cod but to be accepted by fishermen, more work is needed to minimize the loss of flatfish species.

Scientists, conservationists, and fishermen, all with different areas of expertise and armed with innovative ideas, came to the tank to solve gear problems and to make suggestions for solutions. At first there was some apprehension about telling another fisherman "how to do his job." But once everyone got through this initial icebreaker and realized that this exchange of ideas was the meat of the program, they all put in their "two cents" and lent a hand at making the necessary modifications. "I was amused and happy to see everyone pitch in to help Joe (Scola) adjust his scaled-down net," said Carr, "Joe started almost alone. Then you saw Luis (Ribas), Scott (Westcott), and Mary next to him looking on and giving advice. It was just the dialogue and activity we were hoping to see here in this setting."

The facility and staff at St. John's, including hosts Glenn Blackwood, Harold DeLouche, Phil Walsh, and George Legge, received much deserved kudos from all of the participants of the week long seminar. "The facility at the Marine Institute is top notch, not only for the structure, but the

personnel as well," said fisherman Vincent Balzano, of Portland, ME., " I was very impressed with their depth of knowledge and communication skills. I found them very approachable and helpful with finding answers and explanations to why they came up with certain conclusions."

The participants were also very mindful of the contributions that the determined individuals at DMF, MCCS, and DMR, were willing to make to increase the effective application of cooperative conservation engineering. "Arne Carr and Dan Schick, once again have proven their dedication and commitment of not only listening to the industries' concerns, but also by rolling up their sleeves and working to find a solution to the problems that face us," said Balzano. Added O'Rourke, "I was delighted to have the chance to attend the seminar and the week surpassed all of my expectations," she said, "The esprit de corps of the group was extraordinary, it was truly a learning experience."

This is not the first time that Carr and Glass have visited the Marine Institute's facility. The DMF and the MCCS have an extensive relationship with the Memorial University. The group's past affiliations with the University have resulted in many successful insights for the fishing industry. Some past pairings have included an International ICES Fisheries Technology Fish Behavior Working Group meeting, and several Responsible Fisheries Conferences. Other trips have involved the testing of gear such as the very successful raised footrope trawl that allowed the Cape Cod fall whiting fisheries to reopen, and the sweepless version which will probably be adopted in the Cape Cod whiting fishery in the next few years. The raised footrope trawl is touted as significantly helping Gloucester and saving the fleet of Provincetown while the sweepless is arguably the most habitat-friendly trawl available, acting as a catalyst to stimulate the Canadians to revise some of their trawls.

These collaborations are allowing all participants to explore gear modifications including the construction and modification of fishing gear, changing the configurations of trawl nets, and designing better and more efficient trawls. The end result: DMF is maintaining strong ties with the fishermen, managing the fisheries more efficiently, and is gaining better insight into industry needs. Fishermen are getting the opportunity to use experimental gear in order to "fine tune" existing gear or invent new net designs thus allowing them to continue fishing.

Through the encouragement and collaboration with fisheries scientists and conservationists, fishermen are coming up with innovative trawl gear ideas, learning how to reduce bycatch, bringing up much cleaner catches and in the end, helping their industry remain viable.

Written for DMF News by Wendy Anne La Voie, a freelance writer from Massachusetts.

Cooperative research project participants:

DMF's Arne Carr, Mike Pol, Mark Szymanski, and Vincent Manfredi;
Manomet's Chris Glass, Tim Feehan and Gregg Morris.
Maine DMR's Dan Schick
Mary O'Rourke of Trawlworks Inc. (RI)

Commercial fishermen:

Dan Murphy, Dracut, MA;
Vincent Balzano, Portland, ME;
Luis Ribas, Provincetown, MA;
Scott Westcott, Wakefield, RI;
Joe Scola, Gloucester, MA;
Proctor Wells, Phippsburg, ME.

Call DMF's new 24-hour phone system for fish quotas & closures

Dial DMF's Gloucester office at 978-282-0308.

DMF has produced a new phone-based system for fish quota updates and other rules. This system provides fishermen and dealers with current information on quota managed species, including:

- current quota levels and projected closing dates
- commercial fishery rules
- commercial fishery reporting requirements
- dealer reporting requirements
- recreational fishery rules

This system will complement faxes sent directly to authorized dealers, e-mail notices sent to the public via the state "listserv", and notices posted on our internet web site.

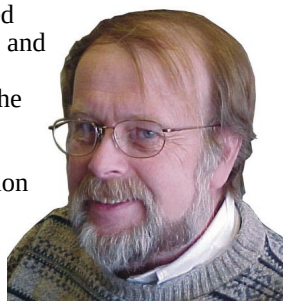
This action shifts DMF's energies to communicate quotas and closure updates from traditional mailings to newer technologies: phones, faxes, and internet service to ensure fishermen and dealers have access to quota updates on a real-time basis.

Callers will have 24-hour access to DMF's Statistics Program updates through the phone system and the internet. Callers will be able to navigate through menus using a touch-tone phone to get information about quota-managed fishery totals, with forecasts of closures when applicable.

To access the system, dial 978-282-0308

DMF loses 271 years of professional experience to early retirements

On March 15, 2002, nine DMF senior staff will retire from state service, capitalizing on the state's early retirement program. Their past contributions form the foundation of DMF, especially those with over 30 years of service. The agency will sorely miss these professionals who provided the highest level of service to their chosen profession.



Charlie Anderson (38 years) led DMF's Fisheries Statistics Program and was the facility chief for DMF's Annisquam lab in Gloucester, and the Department's informations systems specialist. Charlie transformed the Statistics Program through application of computer technologies, bringing DMF into the 21st century. Charlie played a leading role in the development of the interstate fisheries statistics program know as the ACCSP (Atlantic Coast Cooperative Statistics Program). Charlie will be leaving his regional post as chairman of ACCSP Operations Committee.

H. Arnold Carr (37 years) was a senior biologist and led DMF's internationally recognized Conservation Engineering Program. Arne worked to develop fishing gears that are more resource friendly, and his results paid great dividends to the Commonwealth's fisheries. His success to reduce by-catch and discards with the "raised footrope trawl" earned him the President's Environmental Hero Award in 2000. His practical approach to problem-solving coupled with his ability to deploy high-tech equipment (side-scan sonars trawl mensuration gear, and remotely operated vehicles) earned him the respect of scientists, fishery managers, and fishermen.

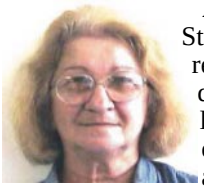
Ken Reback (35 years) was a senior biologist and the state's leading expert on anadromous fisheries and fish passage and has overseen the Anadromous Fisheries Restoration Program for the past decade. During the 1980s Ken became renowned for the development of an aquaculture-based coho salmon fishery in the North River. Ken supervised all fishway construction and maintenance projects as well as reviews of all local management of specific fish runs. He worked closely with other state and federal agencies to improve and protect local herring runs.

Bob Lawton (35 years) was a senior biologist and the state's leading expert on power plant impacts on the marine environment. For two decades he led the Power Plant Investigations Project focusing primarily on the nuclear Power Plant located on the Plymouth shoreline. He made important contributions to the research and management of smelt in southeastern Massachusetts rivers. His oversight of long-term winter flounder and cunner studies have been landmark studies for these species. His recent work was broadened to study and review impacts of the state's other coastal power plants.

Arnold Howe (35 years) was a senior biologist and leader of the state's inshore fish survey, known as the Resource Assessment Project. This program was begun by Arnie in 1978 and is considered the best survey of its kind. Results are key to tracking fish stock trends and are sought by state, federal, and university researchers as well as private consultants. Arnie's work on juvenile cod habitat is expected to be part of the strategy to recover cod in the Gulf of Maine. He was an important contributor to the New England Fishery Management Council's Essential Fish Habitat Committee. Arnie was a mentor to many young and now successful fishery professionals through his training and guidance.

James Fair, Jr. (32 years) was the Deputy Director in charge of commercial fisheries. Jim began his career as a lobster biologist and quickly rose to Assistant Director where for two decades he worked on the most complex and challenging fishery management issues. Jim strived to maintain the Commonwealth's viable commercial fisheries in the face of declining stocks, limited entry plans, and quota based management plans. Jim was responsible for managing many of the state's developing new fisheries (e.g. sea urchins, hagfish, quahog dredge). Over the past few years he worked diligently with the state's lobstermen to develop industry-based management plans.

Drew Kolek (31 years) was a senior biologist and a valuable member of DMF's Sportfish Restoration Program. His work focused primarily on resources and fisheries in Southeastern Massachusetts. He ran the annual statewide Saltwater Fishing Derby, prepared and distributed outreach materials (e.g. Sportfishing Guide) and was DMF's liaison to party and charter boat industries. Drew coordinated the annual striped bass tagging program and carried DMF's workload for a number of species such as American eel and bluefish.



Ann Spires (15 years) served DMF's Statistics Program, and was the key person to receive, review and process catch reports, dealer transaction forms, and DMF's lobster sea sampling data. Over the past decade, data collection tasks grew in size and complexity, and Ann always rose to those challenges.

Joan Short (13 years) was an Accountant II and worked diligently to keep DMF's bills paid by processing a seemingly endless flow of state-required forms.

I thank each of them for their contributions to DMF and wish each the very best in the future.

by Paul Diodati, Director

Notice of Public Hearings

Scheduled for March 25 & 26, 2002

Under the provisions of G.L. Ch. 30A and pursuant to the authority found in G.L. Ch. 130 ss. 17A, 80, 100A, and 104, the Division of Marine Fisheries (DMF) and the Marine Fisheries Commission (MFC) have scheduled hearings on the following proposals. Contact the Division of Marine Fisheries for draft regulations and further details.

1) Three proposals pertaining to summer flounder (322 CMR 6.22):

a) DMF proposal to amend recreational fishing restrictions by eliminating the closed season that currently extends from Jan. 1 – May 24 and Sept. 6 – Dec. 31;

b) Public petition to open the directed commercial fishery during summer/fall on June 1; and

c) Public petition to alter the summer flounder commercial no-fishing days during the summer/fall season from Friday-Saturday to Saturday-Sunday.

2) DMF proposals to amend scup summer/fall commercial trip limits and seasons (322 6.28):

a) For trawlers fishing during the squid season, trip limit would increase from 100 to 300 lbs.;

b) For the weir fishery, the overall set-aside of the state's summer/fall quota would increase from 75,000 to 100,000 lbs.

c) For the summer-time directed fishery, the opening would occur on July 1 instead of July 17 and the daily possession limit would be increased from 200 to 250 lbs.

3) DMF proposal to amend scup recreational regulations (322 CMR 8.06):

The daily possession limits for recreational anglers aboard for-hire vessels would be amended by adopting a 100-fish limit for the entire recreational season (January 1 - October 6). (Current regulations allow 100 fish per angler during May and June and 50 during July through October.) Limits for shore anglers and those on private vessels would remain unchanged: 50 fish per angler with a maximum of 100 fish per vessel regardless of the number of anglers aboard.

4) DMF proposals to amend black sea bass commercial regulations [322 CMR 6.28(3)] to comply with Addendum VI of the federal Black Sea Bass Plan:

a) The following trip limits are proposed per quarter with corresponding adjustments when 60% of the quarterly quota is projected to be taken:

- For Quarter II (April through June) a daily possession limit of 1500 pounds/day that will be adjusted to 150 pounds/day for all gears or 1,000 pounds/week for the directed sea bass pot fishery.
- For Quarter III (July through September) would start with a possession limit of 500 pounds/day and adjust to 100 pounds/day for all gears or 700 pounds/week for the directed sea bass pot fishery.
- For Quarter IV (October through December) will start with a possession limit of 750 pounds/day and adjust to 100 pounds/day for all gears or 700 pounds/week for the directed sea bass pot fishery.

b) Fish pot vent size is proposed to increase to 1 3/8 by 5 3/4 inches or a circular vent of 2 3/8 inches in diameter; or a square vent with sides of 2 inches inside measure.

5) DMF proposals to amend commercial lobster regulations (322 CMR 6.00) to comply with Amendment 3 of the Lobster Management Plan

a) Area-specific minimum size changes and vent size increases.

- For Lobster Conservation Management Area 2, Area 3, and Outer Cape the minimum size would be increased by 1/16" to 3 5/16" effective July 1, 2002.
- Additional increases of 1/32" would occur on July 1, 2003 and July 1, 2004.

• Lobster vent size would also be increased effective January 1, 2003 to 2" x 5 3/4" for rectangular vents or 2 1/2" for circular vents.
• DMF seeks comments on whether to extend the proposed minimum size increases and vent size increase to Area 1 thereby making them statewide regulations.

b) Area-specific effort reduction
• For the Outer Cape Cod Lobster Conservation Management Area, an effort reduction program to reduce traps by 25% is proposed that limits eligibility to fish traps in OCCLMA based on fishing history. Fishermen who do not satisfy the eligibility criteria would be ineligible to fish in this area beginning in 2002.
• Future trap allocations per fishermen will be calculated on a per license basis based on fishing history in 2000, and reductions in overall traps allocated in the OCCLMA would occur whenever traps are transferred between fishermen in this area through a mandatory 10% attrition rate of transferred traps.
• A trap haul-out period is proposed during January 1 through March 31 of each year to assist in the enforcement of the trap cap, and no lobster traps would be allowed in the waters of the OCCLMA during this time period.
• DMF seeks comments on whether to enact similar effort control programs for other Lobster Conservation Areas.

c) Enhanced v-notching and protection of v-notched female lobsters in Area 1
• For Area 1, lobstermen would be required to carve a "V-shaped Notch" into the flipper to the right of the center flipper on all egg-bearing female lobsters encountered during fishing operations. For purposes of enforcement in Area 1, the definition of a "V-shaped notch" would also be more conservative than the existing definition and shall mean a "V-shaped notch" of any size regardless of the depth of the cut or the presence of setal hairs.
• DMF also seeks comments on whether to adopt the above definition or maintain the existing definition on a statewide basis for all Lobster Conservation Management Areas.

TWO HEARINGS HAVE BEEN SCHEDULED:

❖ Monday, March 25, 2002 (7-10 p.m.) at the Forestdale School, Rte. 130, Sandwich, and
❖ Tuesday, March 26, 2002 (7-9 p.m.) at the Gloucester Public Library.

Written comments (by mail or fax) will be accepted until 5 P.M. on Friday, March 29, 2002.

Regulatory Update

At the December 13 and January 13 business meetings of the Marine Fisheries Commission, the following regulatory changes were enacted. Most of these issues were aired at the Nov. 27-28 public hearings.

Right Whale protection and management of fixed gear fisheries. Proposal approved to further restrict all buoy lines for use in Cape Cod Bay Critical Habitat (CCB CH) during winter/early spring by requiring the use of a "weak buoy link" that would part at pull pressures of between 150 and 500 lbs. DMF will publish a list of approved weak links based on existing federal standards and innovations by Cape Cod Bay fishermen.

Proposal approved to ban the use of floating groundlines (between pots) year-round in CCB CH beginning in 2003 and then extend the ban to the waters west of the Critical Habitat along the shoreline south of Brant Rock beginning in 2004.

Proposal approved to amend the regulations pertaining to "breakaway" features used in areas and times beyond Cape Cod Bay Critical Habitat during winter/early spring. These changes complement federal regulations consistent with the federal Take Reduction Plan.

Proposal approved to shorten the winter/early spring season by 15 days when the most restrictive rules apply. The most restrictive period in Cape Cod Bay is now January 1 - April 30. This change was enacted because the DMF Right Whale Surveillance and Monitoring Program has shown nearly all right whales leaving Cape Cod Bay during April for the past five years.

Proposal approved to close a 5-square mile area off the Plymouth shoreline to gillnetting during January - April. This area is west of the Right Whale Critical Habitat, and has reportedly attracted effort from ports north of Boston since during January-April because it is the only nearshore waters open to gillnetters from Marblehead to Plymouth.

Three proposals were not approved by the Commission:

- "Dynamic Management" proposal rejected where DMF would be required to close Cape Cod Bay to all gillnetters within 48 hours whenever 3 or more right whales were sighted within an 8 mile diameter circle during the period May - December. Gillnetters would have had the option to "tend" their nets - staying with the gear and bringing the gear home at the end of the trip. However, similar rules have been enacted at the federal level for lobster and gillnet gears for all waters of the northeast U.S. and rules supercede state rules under the federal Marine Mammal Protection Act and apply to any commercial fishermen fishing in state or federal waters.
- The Commission did not approve a new unique gear marking scheme for gillnetters to allow one to identify the gear type from other fixed gear (pots, trap) based on the surface markers.
- The Commission did not approve the DMF recommendation to require in 2005 that the winter-time rules in Cape Cod Bay regarding fixed gear restrictions be applied year-round.

Summer flounder trip limit changes: winter/spring summer flounder trip limits increased from 500 to 1,000 lbs. and the limits will drop to 100 lbs. when 75% of winter/spring annual quota is reached.

Winter flounder recreational fishing rules changes. The 2-month (March -April) recreational fishing closure was changed to a 3-fish bag limit per angler and the bag limit during the rest of the year (May - February) was lowered from 10 to 8 fish. This change was petitioned by the Cape Cod Salties.

Northern Shrimp Season: Approved a 25-day (February 15 - March 11) northern shrimp season for 2002. This season was set by the Atlantic States Marine Fisheries Commission and constitutes a 59% reduction over last year. A decline in the stock warranted this conservation measure.

Quahog dredge fishery. Final rules approved: changes to the trip limit and permit eligibility rules were enacted. Daily possession limit is 40 bushels. Permits are limited to those who held them prior to January 1, 2002.

Groundfish gonad restrictions To prevent the targeting of groundfish solely for the harvest of roe and milt, new restrictions were enacted that limited the amount of gonads that may be landed to be commensurate with the amount of cod aboard the vessel. Aggregate weight of gonads (roe and milt combined) is limited to 10% of the weight of cod aboard the vessel. *For the purposes of the new regulations, "gonads" means sex glands commonly known as ovaries or testes or any portions thereof removed from fish and retained for purposes of sale.*

DMF learned that some fishermen began removing gonads from fish for purposes of sale. Cod conservation would be compromised if a fishery developed specifically for gonadal material.

These rules prevent fishermen from retaining gonadal material except from those fish retained legally under the state and federal trip limits. Furthermore, it is unlawful for fishermen to remove gonads from any fish that measures below the minimum size or from any legal-sized fish released due to state or federal possession limits.

Technical Reports Available

In the last newsletter, we announced the beginning of a new DMF publication series (Massachusetts Division of Marine Fisheries Technical Reports). The series is designed to help distribute information provided through DMF scientific studies to interested parties. Nine publications have been assigned to the series thus far. These publications are all available from the authors or from the Annisquam River Marine Fisheries Station at (978) 282-0308.

DMF Technical Series

TR-1 McKiernan, D.J., and D.E. Pierce. 1995. The *Loligo* squid fishery in Nantucket and Vineyard Sound.

TR-2 McBride, H.M., and T.B. Hoopes. 2001. 1999 Lobster fishery statistics.

TR-3 McKiernan, D.J., R. Johnston, and W. Hoffman. 1999. Southern Gulf of Maine raised footrope trawl experimental whiting fishery.

TR-4 Nelson, G.A, M.P. Armstrong, and T.B. Hoopes. 2001. Massachusetts 2000 striped bass monitoring report.

TR-5 Chase, B.C., and A.R. Childs. Rainbow smelt (*Osmerus mordax*) spawning habitat in the Weymouth-Fore River.

TR-6 Chase, B.C., J. Plough, and W. Castonguay. In press. A study of the marine resources of Salem Sound, 1997.

TR-7 Estrella, B.T., and R.P. Glenn. 2001. Massachusetts coastal commercial lobster sampling program May-November 2000.

TR-8 Estrella, B.T. In press. Techniques for live storage and shipping of American lobster, third edition.

TR-9 McBride, H.M., and T.B. Hoopes. In press. 2000 lobster fishery statistics.

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Get up-to-date rule changes and notices!
Send e-mail to joinmarinefisheries@listserv.state.ma.us
with nothing in the subject or body.

INSIDE...

- Federal judge to decide groundfish managememt
- MA Rec Fishery #1 in NE
- Anadromous run surveys
- Gear experts and fishermen convene in Canada
- New for-hire vessel permit
- Winter flounder fishery opened
- DMF's Early Retirements
- March 25-26 Public Hearings
- New Regulations

Surfers • Surfers • Surfers

This Newsletter and Other Information is available at our Web Site!

http://www.state.ma.us/dfwele/dpt_toc.htm

DMF NEWS

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