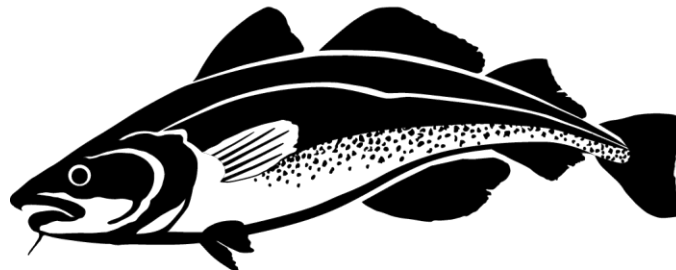


# **Public Hearing: 2024 Commercial Fishing Regulations**

**February 28, 2024 – Buzzards Bay, MA**

**Marine Fisheries**  
Commonwealth of Massachusetts



# Public Hearing and Comment

Under the provisions of G.L. c. 30A and pursuant to the authority found at G.L. c. 130 §§ 17A, 80 and 104, the Division of Marine Fisheries (DMF) is taking public comment on a series of proposed regulatory amendments to 322 CMR 6.00, 7.00, 8.00, and 16.00. The draft regulations seek to amend commercial fishing regulations for the 2024 fishing season. If adopted, the proposed amendments will impact commercial fishing rules for striped bass, whelk, summer flounder, horseshoe crabs, smooth dogfish, menhaden, mackerel, and groundfish; refine certain rules affecting the sanitary harvest of shellfish, including having state regulations better conform to the *Vp* Control Plan; and modify permitting regulations affecting commercial permit display and transferability.

DMF will accept written comment on these proposals through 5PM on Friday, March 8, 2024. Written comment should be submitted by e-mail to [marine.fish@mass.gov](mailto:marine.fish@mass.gov) and addressed to the attention of Director McKiernan.



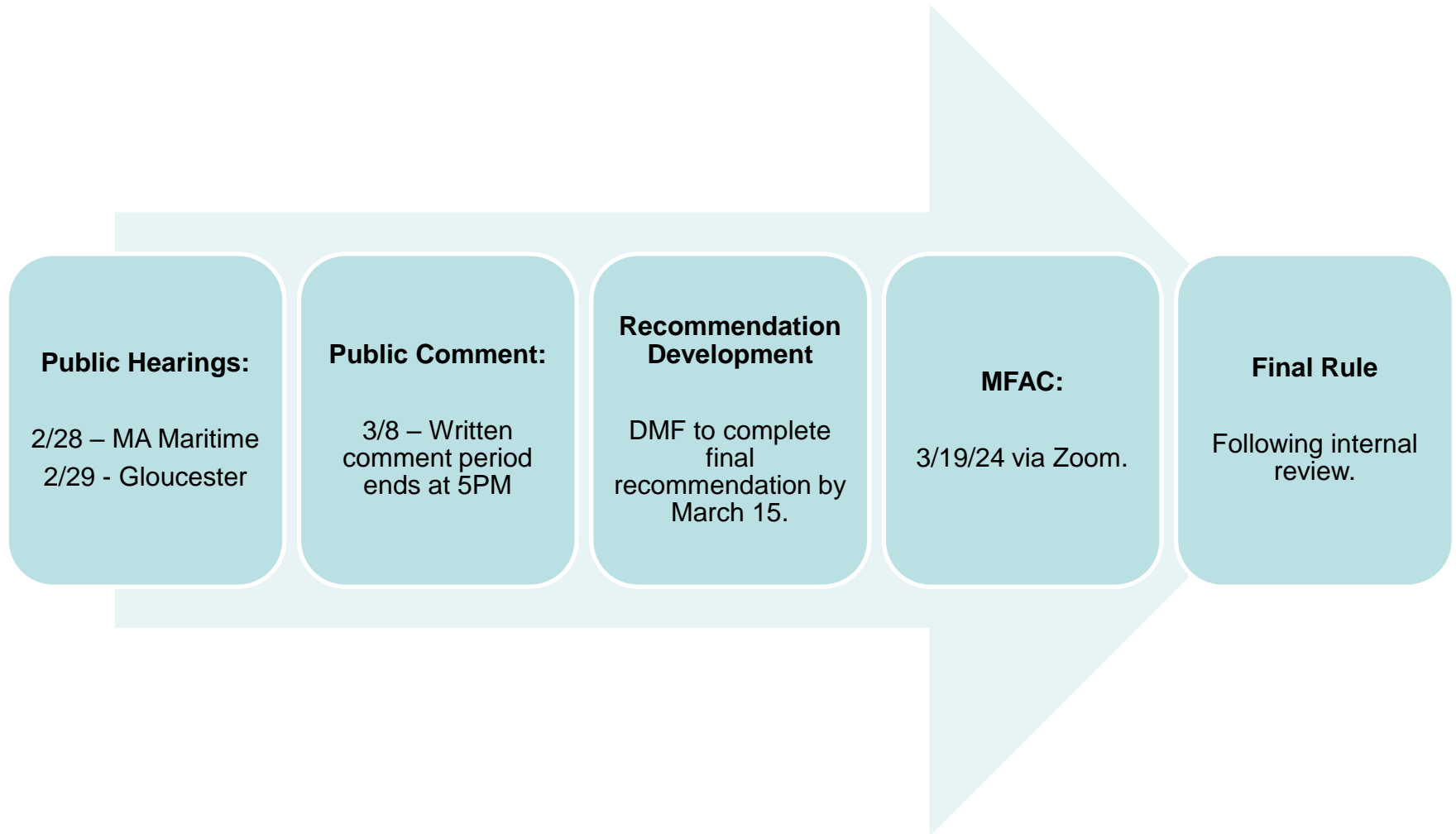
# Public Hearing Agenda

1. **Horseshoe Crab Management (5PM – 6PM)**
  - a) Background
  - b) Proposals:
    - I. Spawning Closure
    - II. Bait Fishery Trip Limits
    - III. Matching Federal Harvest Closures for Monomoy NWR and Cape Cod National Seashore
2. **Whelk, Summer Flounder, Groundfish, and Smooth Dogs Management (6PM – 7PM)**
  - a) Stay to Whelk Gauge Size Increases
  - b) Summer Flounder Trip Limits
  - c) May Groundfish Closure Boundaries
  - d) Smooth Dogfish Trip Limits
3. **Striped Bass, Menhaden, and Mackerel Management (7PM – 8PM)**
  - a) Striped Bass Open Fishing Days and Primary Purchase Requirements
  - b) Menhaden Season and Trip Limits
  - c) Mackerel Trip Limit for State Waters
4. **Shellfish Sanitation and Vp Control Plan (8PM – 8:30PM)**
  - a) Icing Standards During Vp Season
  - b) Tagging and DSGA
  - c) Use of Potable Water for Icing Shellfish
  - d) Location of Primary Sale
  - e) Night Fishing Prohibition
5. **Permitting (8:30PM – 9PM)**
  - a) Electronic Display
  - b) Actively Fished Criteria for Transfer of Black Sea Bass, Fluke, and Tautog Permits
  - c) Immediate Family Transfers of Coastal Lobster Permits
  - d) Housekeeping

\* Note: All times are approximate and DMF will move onto next public hearing item upon completion of prior.



# Timeline for Rule Making



# Horseshoe Crab Agenda

## **Background**

1. Stock overview and abundance indices
2. Recent performance.

## **Spawning Closure Proposal**

1. Prohibit harvest, retention, possession, and landing of horseshoe crabs from April 15 – June 7.

## **Bait Fishery Trip Limit Proposals**

1. Adopt 300 crab limit for all limited entry permit holders regardless of gear type.
2. Automatically increase trip limit to 400 crabs if more than 50% of the quota remains available on August 1.
3. Automatically decrease trip limit to 200 crabs if more than 80% of the quota is taken before September 15.

## **Matching Federal Closures**

1. Prohibit harvest of horseshoe crabs within the boundaries of the Monomoy National Wildlife Refuge and the Cape Cod National Seashore.



# Stock Overview and Assessment

## Overview

- Atlantic horseshoe crabs are found from ME to Yucatan Peninsula
- MA is near the northern extent of range with Cape Cod providing natural geographic barrier.
- Spawning occurs during spring high tides often associated with moon phase & can be affected by water temperature.

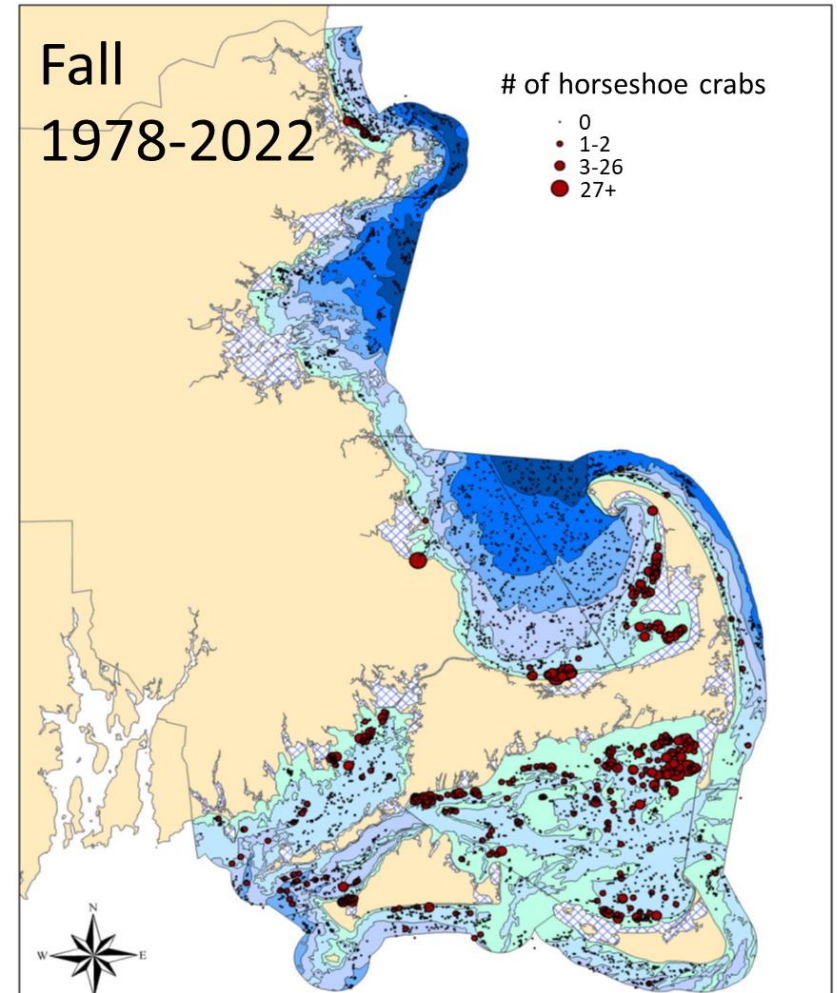
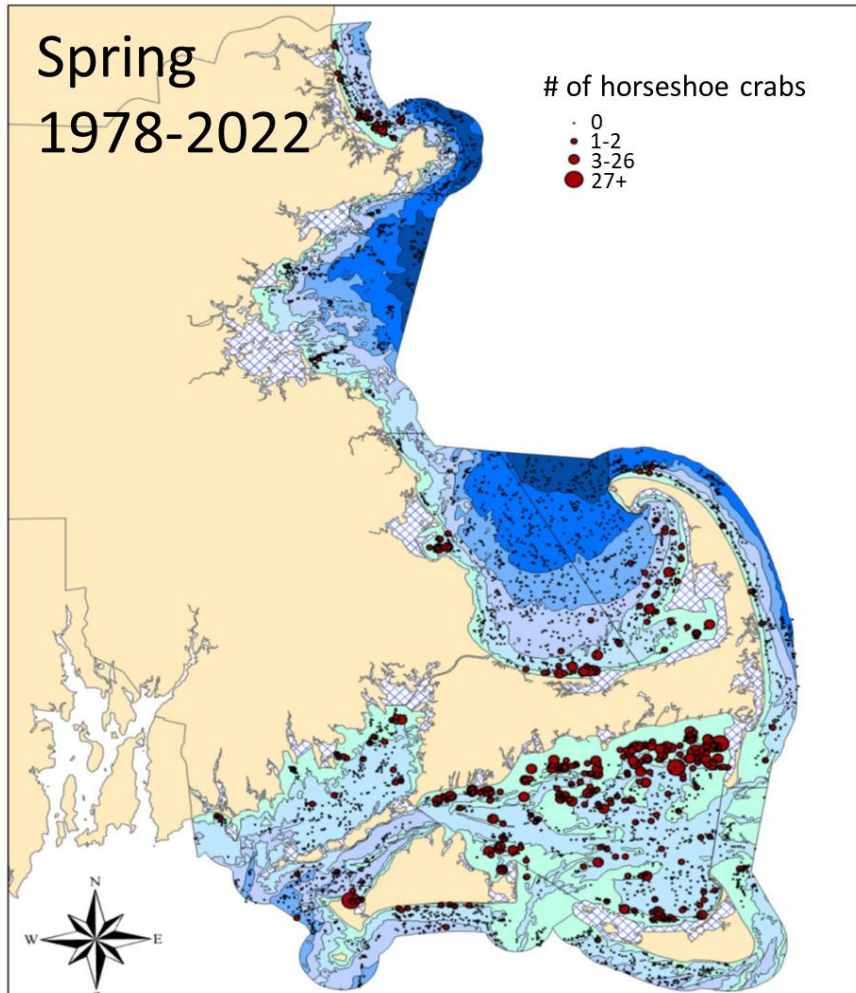
## Assessment

- Most recent benchmark assessment conducted in 2019, 2024 assessment is underway.
- Stock evaluated by region to address stock comprised of localized populations.
- Biological reference points are not used, rather stock status is relative to 1998 index.
  - Stock status determined based on percent surveys within region having greater than 50% probability of the final assessment year being below 1998 levels.
  - “Poor” means more than 66% of surveys meet criterion; “Neutral” means between 33% and 65% of surveys meet criterion; and “Good” means less than 33% of surveys meet criterion.
- Northeast region comprised of RI-ME with assessment focused on MA and RI.
- Northeast region stock status improved from “Poor” to “Neutral” in 2019 assessment.
- Improvement in Northeast region stock status driven by strong survey indices in MA.
  - Trawl surveys showed increasing abundance in terms of both stratified mean and percent present in tows.
  - Beach surveys were showing positive trends for most sites.



# Horseshoe Crab Abundance

## DMF Spring and Fall Trawl Survey



February 28, 2024

Massachusetts Division  
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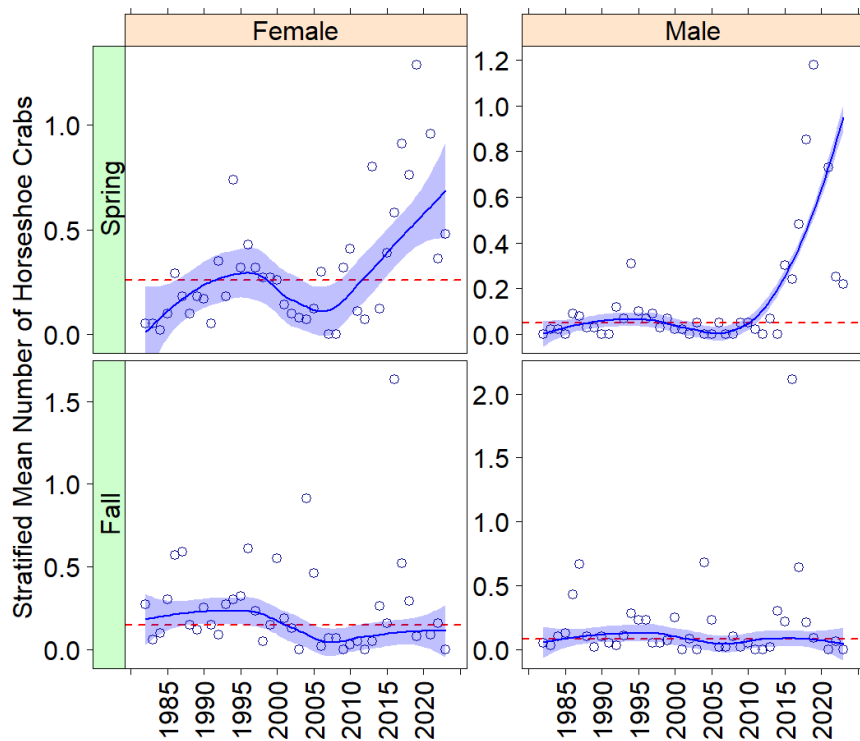




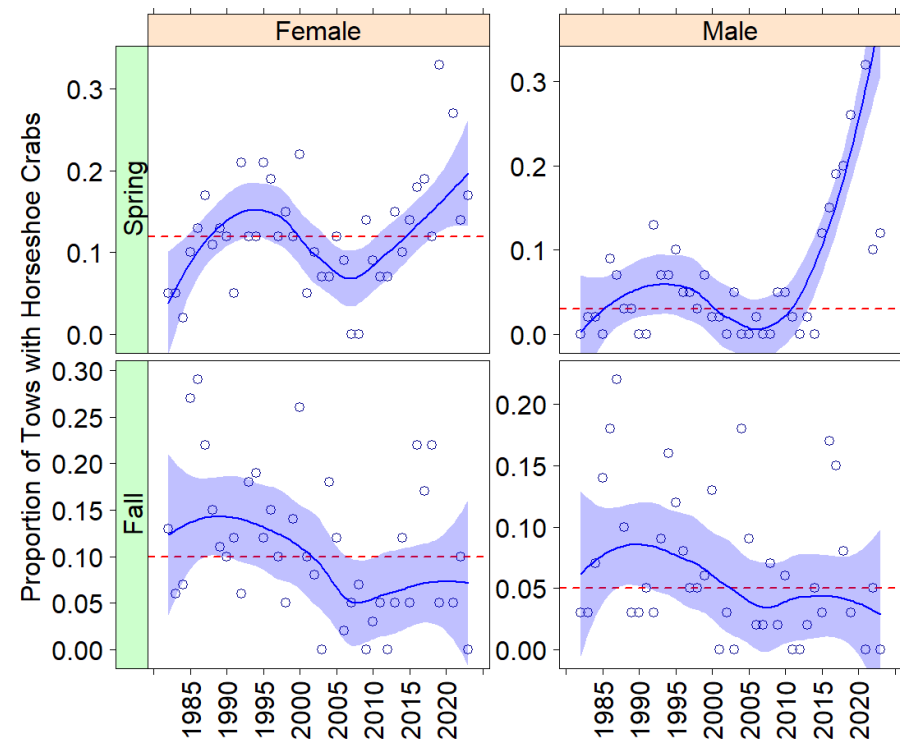
# Horseshoe Crab Abundance

## DMF Trawl Survey **South of Cape Cod**

**Stratified Mean Number of Horseshoe Crabs Per Tow**



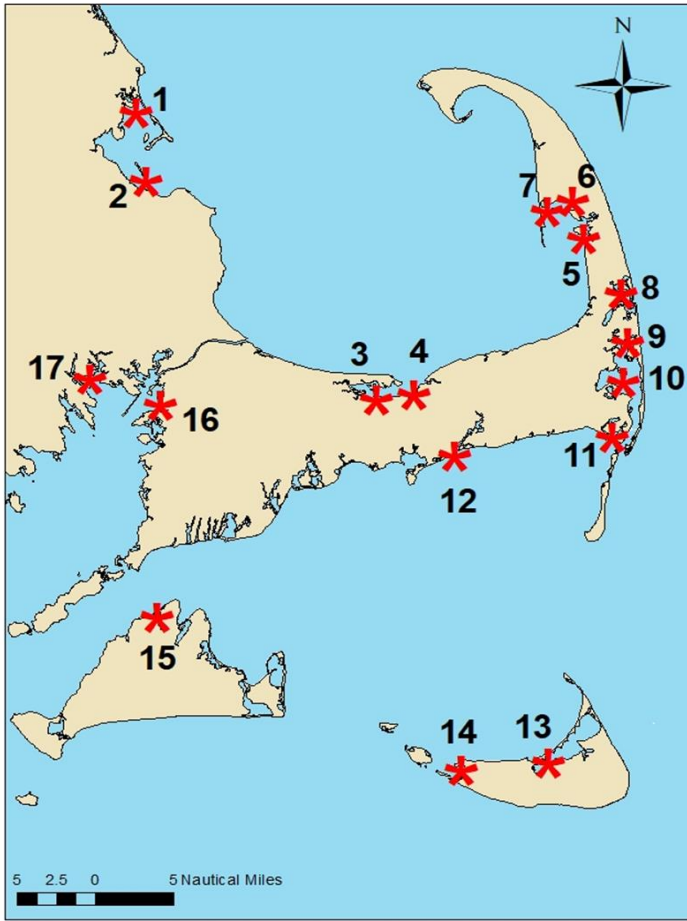
**Proportion of Tows with Horseshoe Crabs Present**





# MA Horseshoe Crab Abundance

## 2023 MA Spawning Beach Survey Summary



Beach	Region	Time of Day	2023 vs Median	10-year trend	5-year trend
Duxbury	Cape Cod Bay	Day	below	decreasing	increasing
Duxbury	Cape Cod Bay	Night	above	decreasing	increasing
Long Beach	Cape Cod Bay	Day	below	NA	decreasing
Long Beach	Cape Cod Bay	Night	below	NA	increasing
Millway	Cape Cod Bay	Day	below	increasing	increasing
Millway	Cape Cod Bay	Night	above	increasing	increasing
Long Pasture	Cape Cod Bay	Day	above	increasing	increasing
Sanctuary Beach	Cape Cod Bay	Day	below	increasing	increasing
Indian Neck	Cape Cod Bay	Day	below	decreasing	decreasing
Indian Neck	Cape Cod Bay	Night	below	increasing	decreasing
Great Island	Cape Cod Bay	Day	below	increasing	increasing
Priscillas Landing	Outer Cape Cod	Day	above	increasing	decreasing
Marsh 2-3	Outer Cape Cod	Day	above	increasing	increasing
Erica's Beach	Outer Cape Cod	Day	below	increasing	decreasing
Stage Harbor	Nantucket Sound	Day	NA	NA	NA
Stage Harbor	Nantucket Sound	Night	NA	NA	NA
Bass River	Nantucket Sound	Day	below	NA	increasing
Bass River	Nantucket Sound	Night	above	NA	increasing
Monomoy	Nantucket Sound	Day	equal	increasing	NA
Monomoy	Nantucket Sound	Night	below	increasing	NA
Warrens Landing	Nantucket Sound	Day	above	increasing	increasing
Warrens Landing	Nantucket Sound	Night	above	increasing	increasing
Tashmoo	Nantucket Sound	Day	NA	increasing	NA
Tashmoo	Nantucket Sound	Night	NA	increasing	NA
Tahanto	Buzzards Bay	Day	NA	increasing	increasing
Tahanto	Buzzards Bay	Night	NA	increasing	NA
Swifts Beach	Buzzards Bay	Day	below	decreasing	decreasing
Swifts Beach	Buzzards Bay	Night	below	decreasing	increasing

February 28, 2024

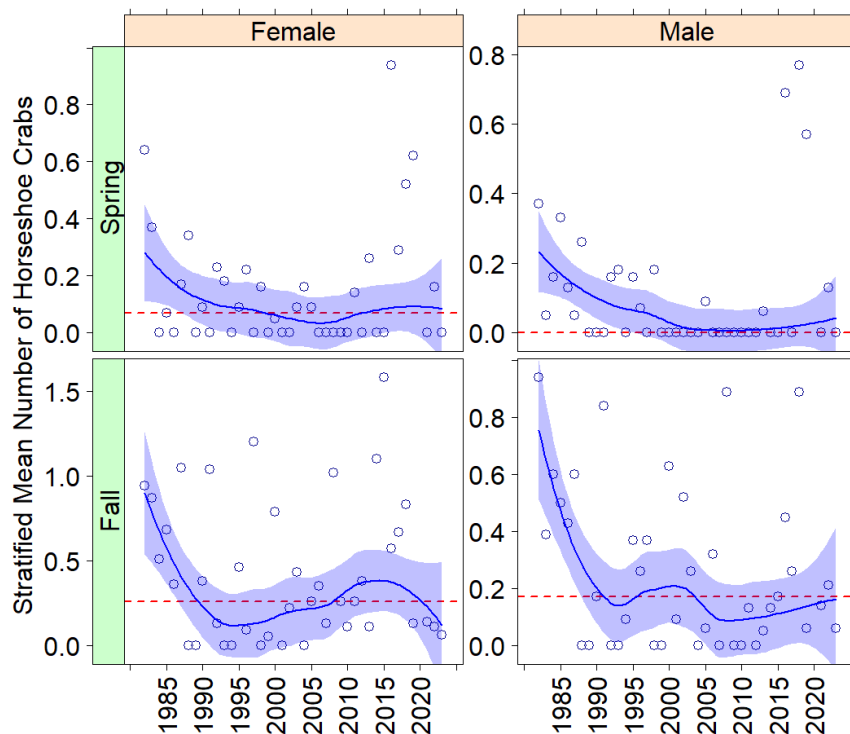
Massachusetts Division  
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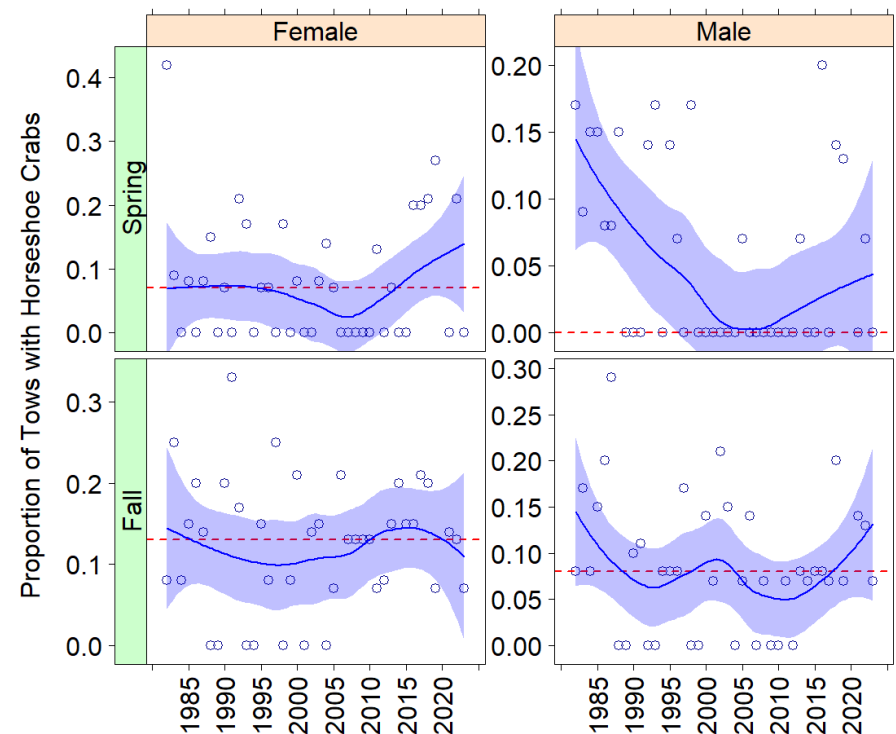
# Horseshoe Crab Abundance

## DMF Trawl Survey **North of Cape Cod**

**Stratified Mean Number of Horseshoe Crabs Per Tow**

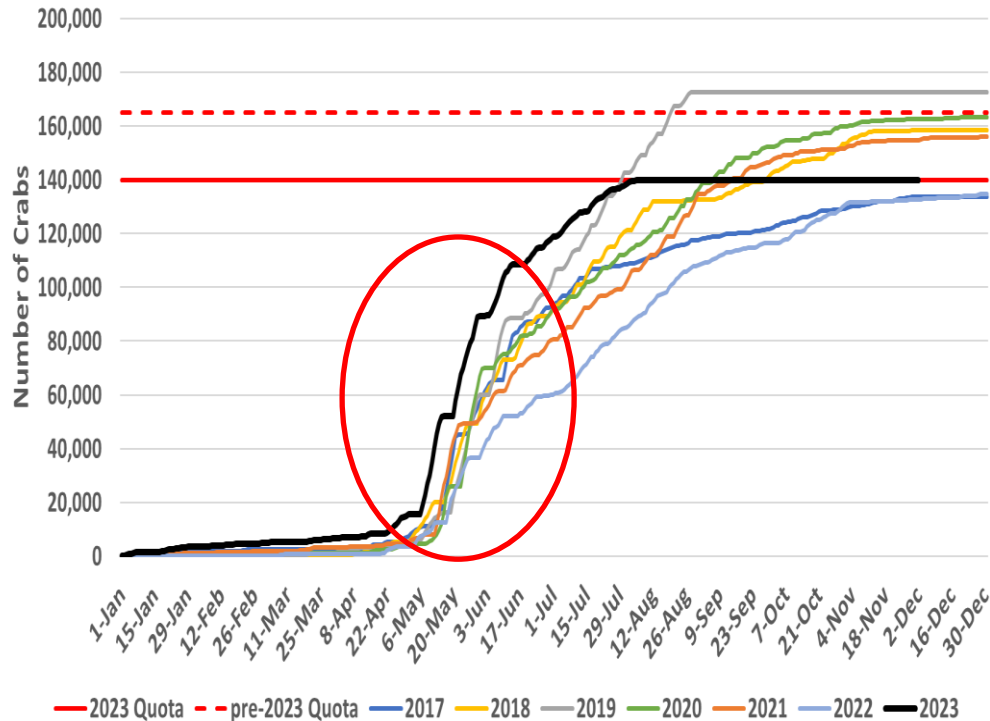


**Proportion of Tows with Horseshoe Crabs Present**



# Recent Bait Fishery Performance

Annual Running Totals of Bait Landings: Horseshoe Crab



Data as of 12/7/23,  
SAFIS eDR

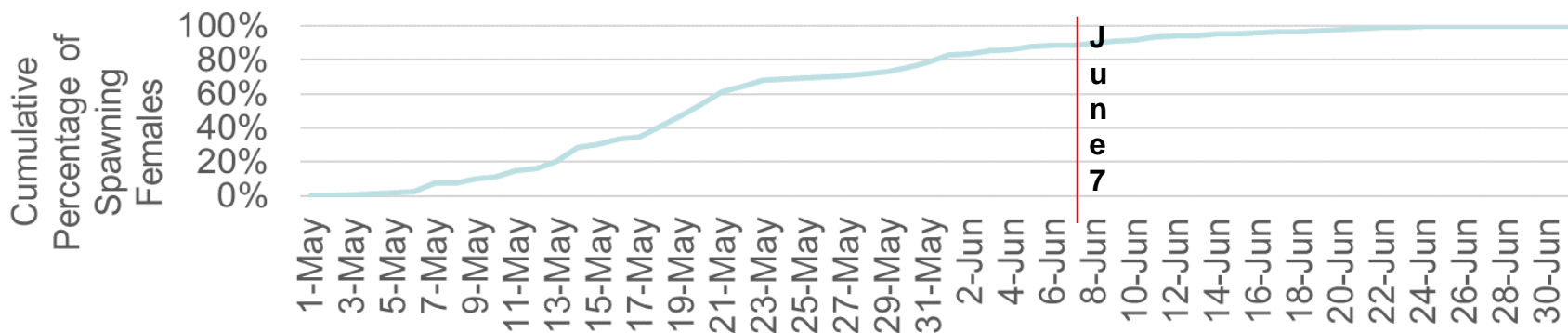
MA HSC Bait Hand Fishery Annual Landings (# of Crabs)

YEA R	JAN 1 - MAY 31	JUN 1 - DEC 31
2010	43,815	5,612
2011	28,882	6,303
2012	50,030	3,049
2013	59,716	10,681
2014	49,640	27,395
2015	55,168	12,898
2016	54,554	9,381
2017	46,113	22,441
2018	43,149	27,494
2019	52,044	27,142
2020	54,833	12,019
2021	39,525	13,421
2022	30,342	10,069
2023	77,000*	12,000*

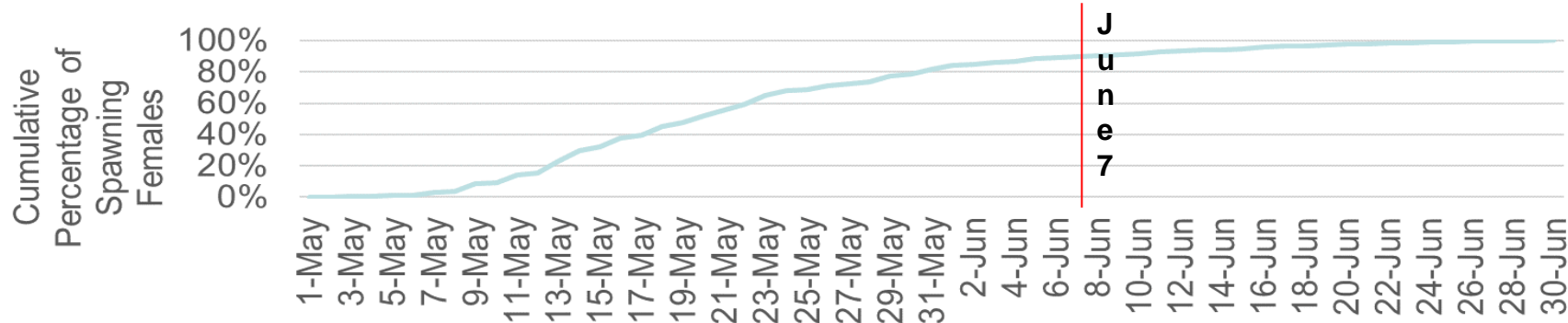
Data Source: MA Trip-Level Reports and NMFS VTRs, as of 2/23/24,  
\*except for 2023 which is estimated from SAFIS eDR reports and historical gear types of the harvesters named in the dealer reports.

# Spawning Beach Survey & Cumulative Percent of Spawning Females by Week

## North of Cape Cod (2015 – 2022)



## Southern Massachusetts and Outer Cape (2015 – 2022)





# Spawning Closure Proposal

**Proposal:** Enact an April 15 – June 7 harvest closure to protect spawning horseshoe crabs.

## **Rationale:**

- Will improve reproductive success by postponing harvest of crabs until after spawning.
- Proposal will protect ~90% of all spawning crabs and crabs staging nearshore prior to spawn.
- Spawning habitat vulnerable to climate change causing erosion, beach armament, and sea level rise.
- While 5- and 10-year population trends have been positive, trawl survey is not a perfect assessment tool.
- No available survey method to forecast future recruitment and serve as “early warning”. (Trawl survey begins to observe animals as sub-adults.)
- Will bring MA in line with protections afforded to spawning crabs in many other states.

## **Anticipated Impacts:**

- Disproportionately impacts ~30 hand harvesters.
- Could impact bait market for springtime whelk pot fishery.
- Biomedical firms may need to adjust business practices.

## **Additional Information:**

- Replaces 5-day lunar spawning closures.
- Applies to all harvesters in both bait and biomedical fisheries.



# Bait Fishery Trip Limit Proposal

## Proposals:

1. Reduce trip limit from 400 to 300 crab trip limit for all hand-harvesters resulting in a uniform limit of 300 crabs per day for all limited entry permit holders
2. Enact automatic in-season adjustments to:
  - a) Increase trip limit to 400-crabs if less than 50% of quota is taken by August 1.
  - b) Decrease trip limit to 200-crabs if more than 80% of quota is taken before Sept.15.
3. Consider allowing HSC bait harvest to be part of trawlers' multi-day summer flounder pilot program where two days of catch are allowed in possession.

## Rationale:

- Will constrain harvest at beginning of open season once spawning closure is lifted.
- Reduces potential for front-loading bait quota to meet biomedical demand through rent-a-crab program.
- Single trip limit enhances enforcement and compliance.
- More uniformly spreads out quota through season.
- Ensures access to quota later in the season when local demand peaks.
- Reduces potential for regulatory discarding in mobile gear fisheries resulting from early season quota closures.
- Allowing mobile gear harvest late into year may allow bait dealers to stockpile crabs for next year's spring season.



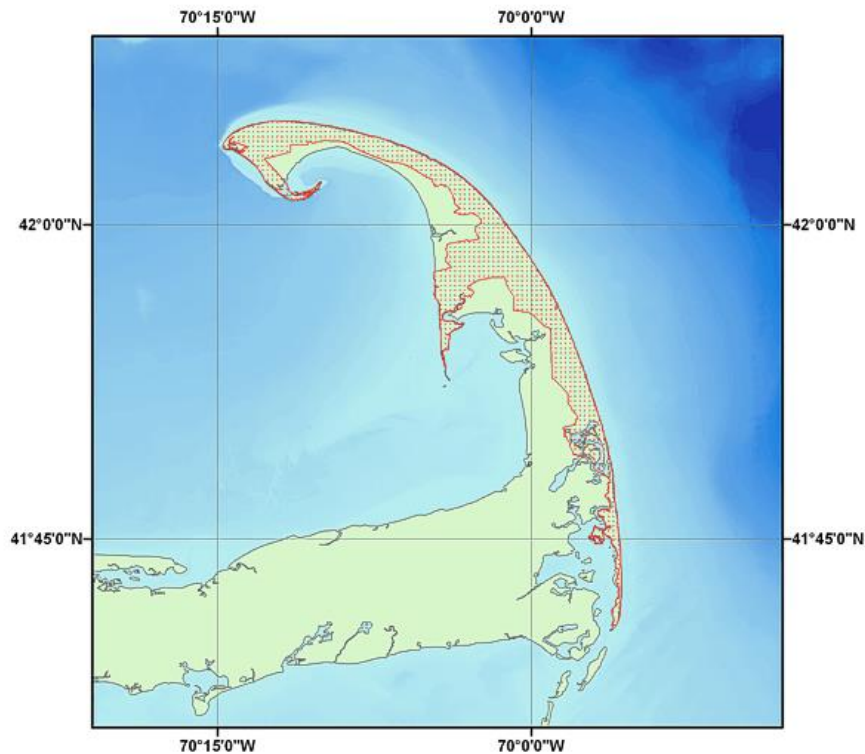
# Proposal to Match Federal Closures

**Proposal:** Match federal harvest prohibition within boundaries of Monomoy National Wildlife Refuge and Cape Cod National Seashore.

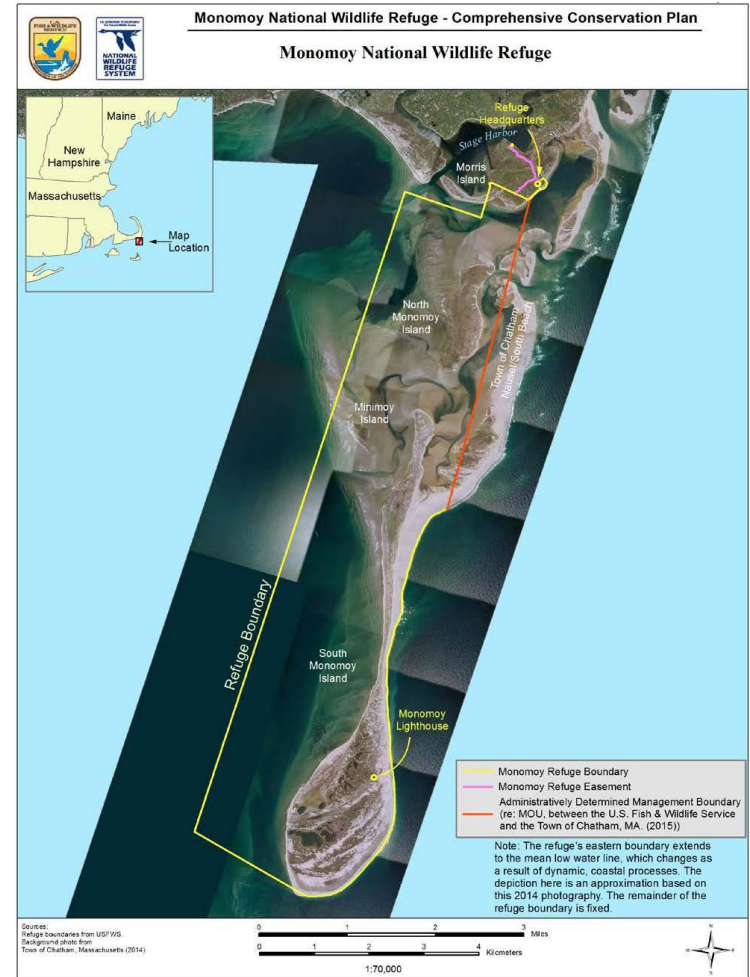
**Rationale:**

- Enhances enforcement and compliance.
- Allows MEP to issue citations.

**Map of Cape Cod National Seashore**



**Map of Monomoy National Wildlife Refuge**



April 24, 2023

Massachusetts Division  
of Marine Fisheries





# Questions and Comments



# Proposal to Stay Whelk Gauge Increases

**Proposal:** Stay current schedule to increase whelk gauge sizes until 2027.

**Rationale:**

- Allows for potential MSE to inform conservation program moving forward.
- Addresses concerns regarding female-only fishery.
- Considers various economic factors negatively impacting whelk fishery and loss of industry infrastructure.

## Approximate shell width and percent size-at-maturity at each scheduled gauge size

Gauge Size	2 <sup>7</sup> / <sub>8</sub> "	3"	3 <sup>1</sup> / <sub>8</sub> "	3 <sup>1</sup> / <sub>4</sub> "	3 <sup>3</sup> / <sub>8</sub> "	3 <sup>1</sup> / <sub>2</sub> "	3 <sup>5</sup> / <sub>8</sub> "
Approximate Shell Width	3 <sup>1</sup> / <sub>10</sub> "	3 <sup>3</sup> / <sub>16</sub> "	3 <sup>5</sup> / <sub>16</sub> "	3 <sup>7</sup> / <sub>16</sub> "	3 <sup>5</sup> / <sub>8</sub> "	3 <sup>3</sup> / <sub>4</sub> "	3 <sup>7</sup> / <sub>8</sub> "
Percent size at maturity	0%	0%	0%	0%	5%	20%	50%

## Proposed adjustments to schedule for increases to whelk gauge size

Gauge Size	3 <sup>1</sup> / <sub>8</sub> "	3 <sup>1</sup> / <sub>4</sub> "	3 <sup>3</sup> / <sub>8</sub> "	3 <sup>1</sup> / <sub>2</sub> "	3 <sup>5</sup> / <sub>8</sub> "
Current Schedule	2021 - 2023	2024 – 2026	2027 – 2029	2030 – 2032	2033
Proposed Schedule	2021 – 2026	2027 – 2029	2030 – 2032	2033 – 2035	2036



# Questions and Comments



# Summer Flounder Agenda

## Background

1. Stock assessment and quota update.
2. Recent performance.
3. Recent performance/management and 2024 quota.
4. Summertime fishery performance and projections

## Trip Limit Proposals

1. January 1 – April 22:
  - a) Reduce P1 trip limit to 5,000 pounds.
  - b) Maintain automatic trip limit reduction to 100 pounds once 30% quota use projected.
2. April 23 – September 30
  - a) Maintain existing trip limits for hook and net fishers.
  - b) Automatically increase trip limits to 800 pounds for all gears on September 1 if at least 25% of the quota remains.
  - c) Automatically decrease trip limits by 200 pounds for all gears if 75% of quota is taken on or before August 1.
  - d) Reauthorize multi-day trip limit program for trawlers.
3. October 1 – December 31
  1. Adjust October 1 quota dependent trip limit trigger from 5% remaining to 10% remaining.
  2. If more than 10% of quota remains on October 1, automatically set trip limit at 5,000 pounds.
  3. If 10% or less of quota remains on October 1, automatically set trip limit at 800 pounds.



# Background on Summer Flounder Fishery

- 2023 Assessment: Not overfished but experiencing overfishing.
  - Past assessment overestimated biomass.
  - 2018-year class smaller than initially assessed.
  - Below average recruitment since 2011.
- Coastwide quota reduced by 42% from 15.27 mlbs (2023) to 8.79 mlbs (2024).
- With coastwide quota below 9.55 mlb, MA quota share goes back to baseline 6.82%; has been ~9%.
- MA quota is reduced by 56% due to coastwide quota cut and reduced quota share.
- MA quota for 2024 is 599,507-lb quota.
- Similar quota expected for 2025.



Source: Cape Cod Commercial Fishermen's Alliance



Photo by Max Bossman

March's Vineyard  
marchesvineyard.com

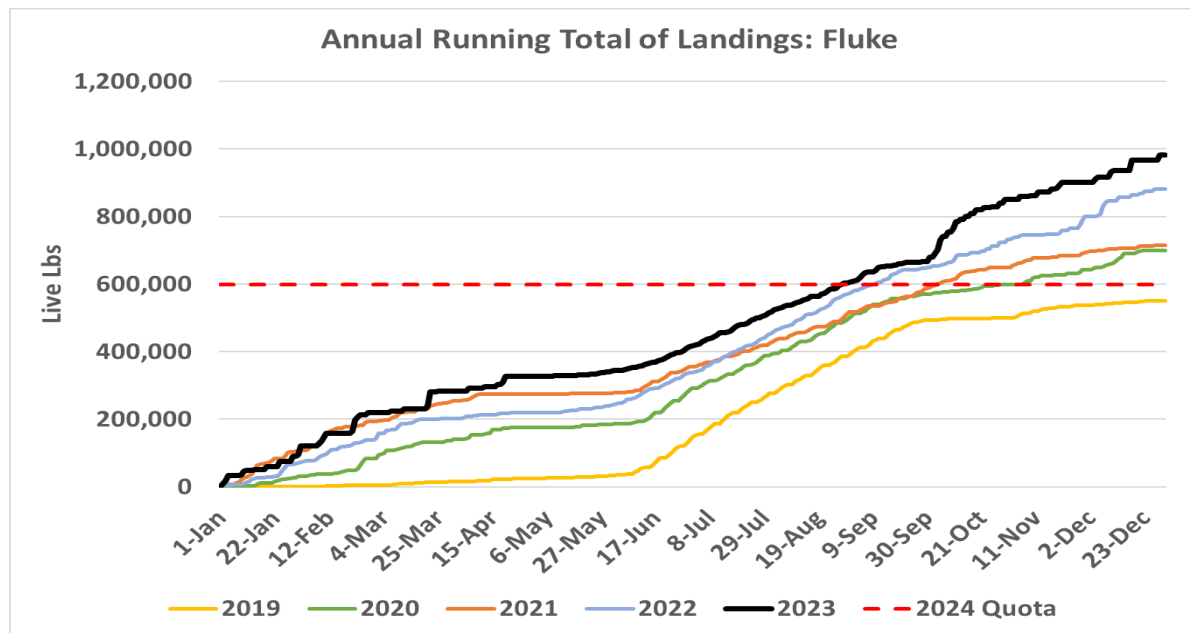
# Recent Performance

## Summer Flounder Landings by Season for 2019 – 2024 (live lbs)

Year	Period I Jan 1 - Apr 22	Period II Apr 23 - Sep 30	Period II Oct 1 - Dec 31	Annual Total Landings	Annual Quota	Period I % Quota Use	% Annual Use
2019	24,145	469,955	58,470	552,569	741,532	3%	75%
2020	175,983	396,562	129,799	702,344	795,584	22%	88%
2021	274,611	310,485	129,325	714,422	1,025,159	27%	70%
2022	218,366	428,888	228,902	876,156	1,393,790	16%	63%
2023	326,369	339,223	315,523	981,115	1,359,363	24%	72%
2024*	163,813				599,507	27%	27%

Data Source: SAFIS eDR, 2/26/24

\*To date, 2/26/24



February 28, 2024

Massachusetts Division  
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# 2024 Quota and Current Regulations

- 2024 quota is 599,507 pounds.
  - P1 Allocation: 179,852 pounds
  - P2 Allocation: 419,654 pounds
- P1 trip limit dropped from 5,000 pounds to 100 pounds on February 6.
- About 435,000 pounds of quota expected to remain available to P2 fishery with some landings coming in.

## Current Summer Flounder Fishery Rules

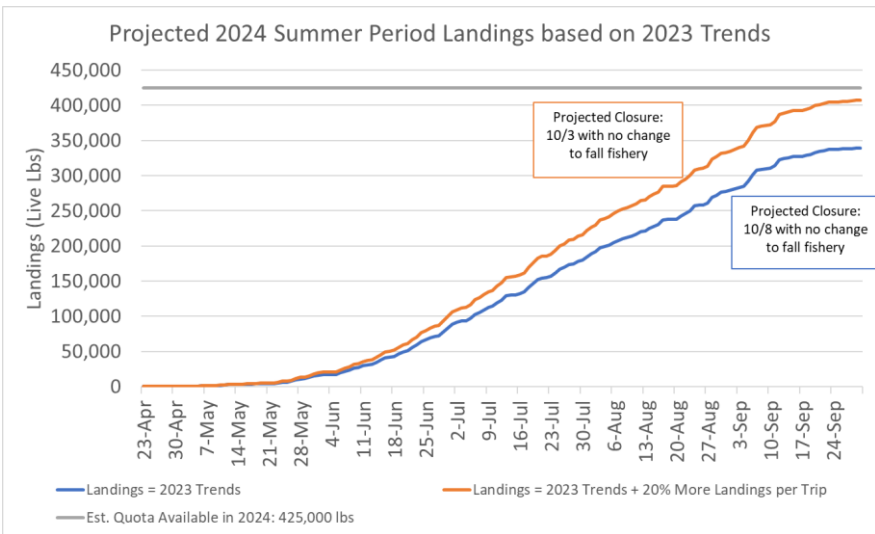
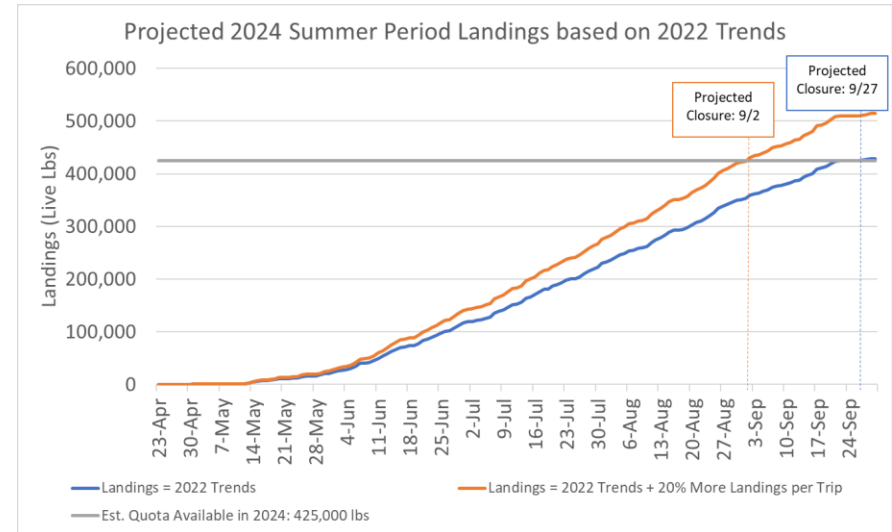
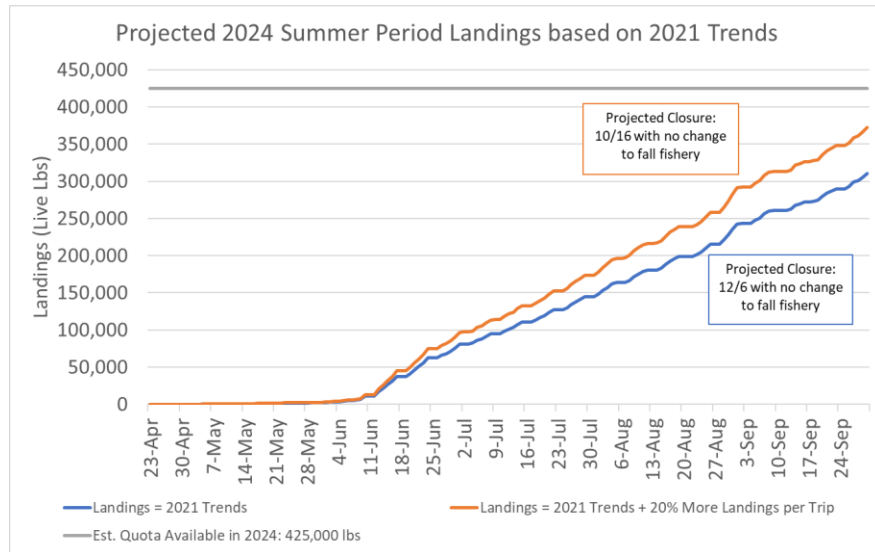
Season	Gear	Trip Limit	Fishing Days	Min Size
Jan 1 – Apr 22	Nets	5,000 pounds* decreased to 100 pounds at 30% quota projection	Sun – Sat	14"
Apr 23 – Aug 31	Nets	600 pounds	Sun – Sat	14"
	Hooks	400 pounds		
Sept 1 – Sept 30	Nets	800 pounds if >20% of quota 600 pounds if =<20% of quota	Sun – Sat	14"
	Hooks	800 pounds if >20% of quota 400 pounds if =<20% of quota		
Oct 1 – Dec 31	All	10,000 pounds if > 5% of quota 800 pounds if =<5% of quota	Sun – Sat	14"

\* Trip limit reduced from 10,000 pounds to 5,000 pounds for 2024 via in-season adjustment.





# Summertime Fishery Performance & Projections



- P2 allocation is ~420,000 pounds at current quota.
- About 435,000 pounds of 2024 quota remains.
- DMF anticipates at least 425,000 pounds of quota will be available to P2 in 2024.
- Most scenarios do not project summertime fishery to take 425,000 pounds.
- Trawlers land >85% of catch on weekly basis.
- ~ 20 - 25 active trawlers in any given week landing about 20,000 pounds per week.
- ~ 15 – 20 hook fishers combine to take a few thousand pounds per week total.
- Effort and landings from both gears die off by mid-September.



# Period I Summer Flounder Trip Limit

**Proposals:** For January 1 – April 22:

1. Reduce trip limit from 10,000 pounds to 5,000 pounds.
2. Maintain 100-pound incidental catch limit once 30% of quota use is projected.

## Proposed Summer Flounder Fishery Rule Changes for 2024 - 2025

Season	Gear	Trip Limit	Open Days	Min Size
Jan 1 – Apr 22	Nets	<del>10,000 pounds</del> 5,000 pounds Reduce trip limit to 100 pounds once 30% quota taken.	Sun – Sat	14"

### Rationale:

- Trip limit reduction consistent with 2024 in-season adjustment.
- 2024 P1 Season:
  - DMF reduced trip limit to 100 pounds on Feb 6.
  - Allowed for ~6 weeks of fishing at 5,000-lb limit.
  - Total quota use was ~25%.
  - Allowed a buffer for landings to continue to come in at 100-lb limit without exceeding allocation.



# Summertime Summer Flounder Trip Limit

**Proposals:** For April 23 – September 30:

1. Maintain current trip limits of 600 pounds for nets and 400 pounds for hooks.
2. Change the September 1 quota use trigger to automatically increase the trip limit to 800 pounds for all gear types from 20% to 25% remaining.
3. Adopt a new quota use trigger to automatically reduce trip limit to 400 pounds for nets and 200 pounds for hooks should 75% of quota be taken on or before August 1.
4. Renew the multi-day pilot program for trawlers and consider expanding to other species (e.g., black sea bass, whelk, horseshoe crab).

## Proposed Summer Flounder Fishery Rule Changes for 2024 – 2025

Season	Gear	Trip Limit	Open Days	Min Size
Apr 23 – Sept 30	Nets	600 pounds. Increased to 800 pounds on Sept 1 if $\geq$ 25% <del>20%</del> of quota remains. <b>Decreased to 400 pounds if <math>\geq</math> 75% quota taken on or before Aug 1.</b>	Sun – Sat	14"
	Hooks	400 pounds. Increased to 800 pounds on Sept 1 if $\geq$ 25% <del>20%</del> of quota remains. <b>Decreased to 250 pounds if <math>\geq</math> 75% quota taken on or before Aug 1.</b>		

### Rationale:

- Projections show trip limit adjustments may not be necessary to avoid early season quota closure should effort be similar to recent years.
- Nominal adjustments could prevent early season closure should effort/landings increase.
- Built in trip limit triggers could help slow or increase rate of harvest based on quota use.
- Renew pilot program to provide flexibility to vessels fishing further from shore.



# Fall Summer Flounder Trip Limit

**Proposals:** For October 1 – December 31:

1. Change the quota use trip limit trigger from 5% remaining to 10% remaining.
2. Maintain the existing 800-pound trip limit for when remaining quota is below the trigger level (i.e.,  $\leq 10\%$  remaining).
3. Decrease the trip limit that is triggered when remaining quota is above the trigger level ( $> 10\%$  remaining) from 10,000 pounds to 5,000 pounds.

## Proposed Summer Flounder Fishery Rule Changes for 2024 - 2025

Season	Gear	Trip Limit	Open Days	Min Size
Oct 1 – Dec 31	All	5,000 pounds <del>10,000 pounds</del> if $> 10\%$ 5% of quota 800 pounds if $\leq 10\%$ 5% of quota	Sun – Sat	14"

### Rationale:

- Consistent with current approach to managing trip limit during season.
- Builds in additional quota use buffer to prevent quota overage.
- Elevated trip limit matches Period I fishery.



# Questions and Comments



# State Waters Groundfish Agenda

## Background

1. Recent Performance of key stocks compared to sub-components.

## Closure Proposal

1. Move southern boundary of May closure north from Boston to Nahant.



# State Waters Groundfish Fishery Performance

**FY22 state waters (SW) catch\* compared to expected FY24 and FY25 sub-components (pounds)**

Stock	FY22 SW Catch*	FY24 Sub-Component	% Use	FY25 Sub-Component	% Use
GOM Cod	54,454	105,822	51%	TBD	N/A
GOM Haddock	64,154	105,822	61%	103,617	62%
Witch Flounder	13,669	41,888	33%	41,888	33%
GOM Winter Flounder	143,300	337,307	42%	337,307	42%
GOM Yellowtail Flounder	41,888	66,139	63%	61,729	68%
Plaice	7,055	61,729	11%	57,320	12%

\*Source: NMFS Greater Atlantic Regional Fisheries Office Final Year End Report  
September 26, 2023, run date of September 10, 2023

February 28, 2024

Massachusetts Division  
of Marine Fisheries



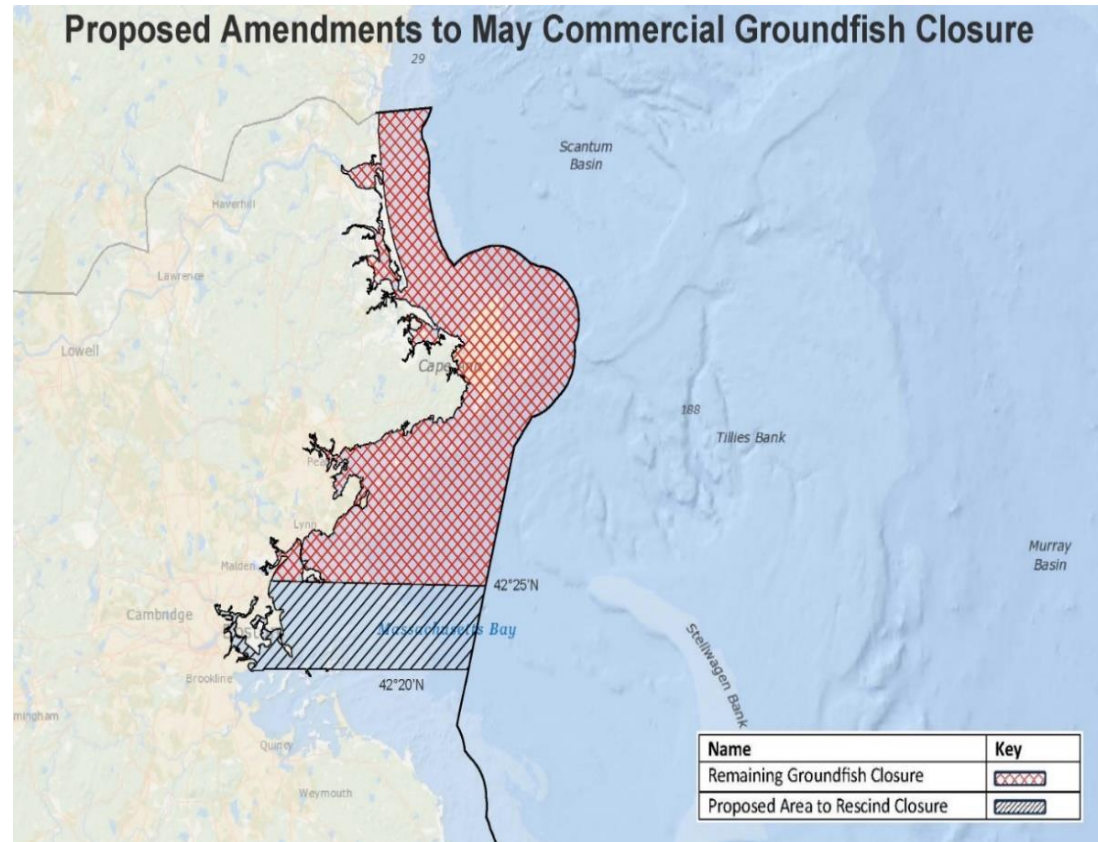


# Adjusting May Groundfish Closure

**Proposal:** In response to a public petition, reduce spatial footprint of May groundfish closure in MA Bay by moving southern boundary north by 5 min latitude from Boston (42°20'N) to Nahant (42°25'N)

## Rationale:

- Responds to request from industry to provide soft bottom to target available flatfish.
- Reduces steaming time and overhead for North Shore vessels.
- Avoids existing spring spawning cod aggregations (e.g., Eagle Ridge).
- Adequate sub-component available to accommodate additional harvest.
- Catch and effort limited by other closures, fish availability, fish-able bottom, trip limits, and waning activity.
- Right whale closure restricts gillnetting during first half of May.



# Questions and Comments



# Smooth Dogfish Trip Limit

**Proposal:** Increase trip limit from 100 pounds to 300 pounds.

**Rationale:**

- Industry requested DMF increase limit to provide additional access to available quota while reducing discarding.
  - Quota has been 17,195 pounds since 2017
  - During 2017-2022, less than 25% of quota was taken each year.
- MFAC approved this for 2023 via an in-season adjustment.
  - Several vessels took advantage of trip limit increase
  - Improved utilization of state quota (data confidential).
- Primary benefits trawlers in summertime Nantucket Sound fishery, who occasionally catch > 100 pounds in mixed species fishery.



# Questions and Comments



# Striped Bass Agenda

## Background

1. Review of annual performance of striped bass fishery.
2. Daily landings and price per pound.
3. Regional landing trends.
4. History of commercial striped bass regulations.

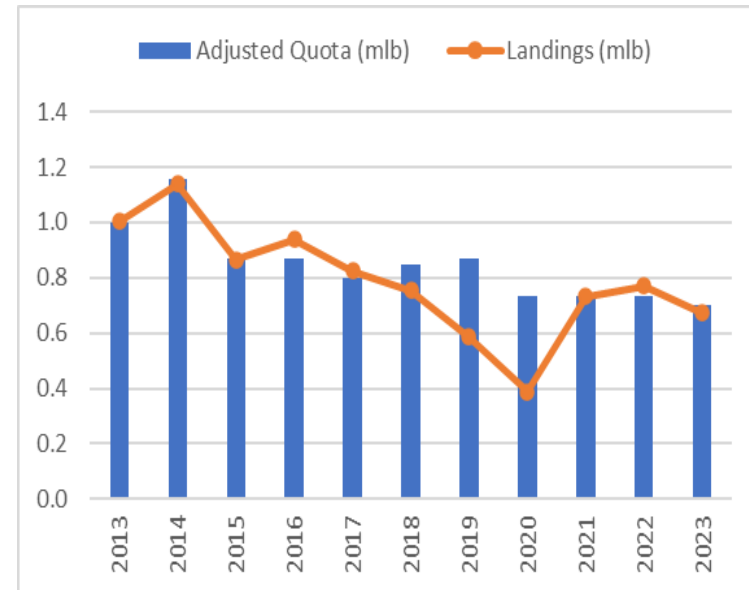
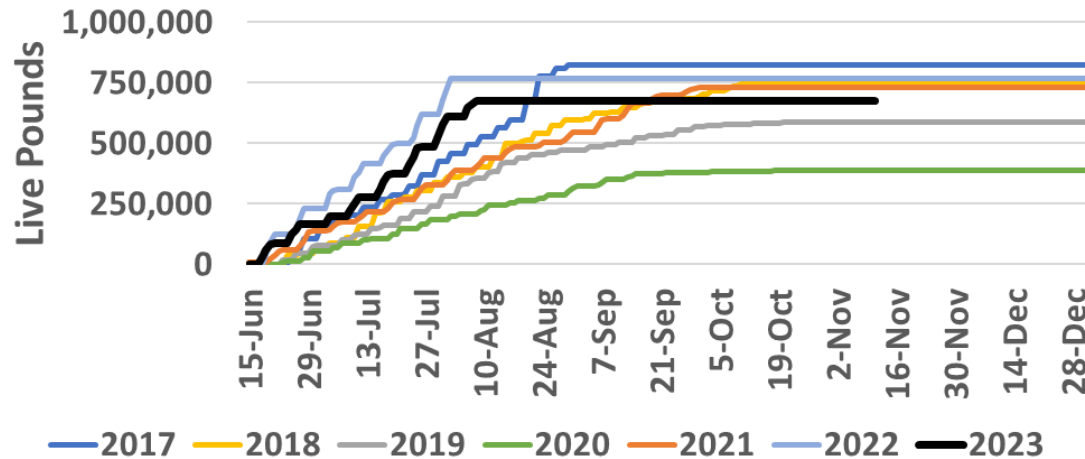
## Proposal

1. Adjust open fishing days from Monday – Wednesday to Tuesday and Wednesday.
2. Clarify primary buyer and commercial fisher must be present at primary purchase.
3. Require primary buyers immediately tag striped bass at time of purchase.
4. Consider shifting open fishing day from calendar day to landing window (e.g., 9AM Tuesday to 8:59AM Wednesday).



# Quota Utilization

Annual Running Totals of Landings: Striped Bass



## 2021-2023 Consistent Measures

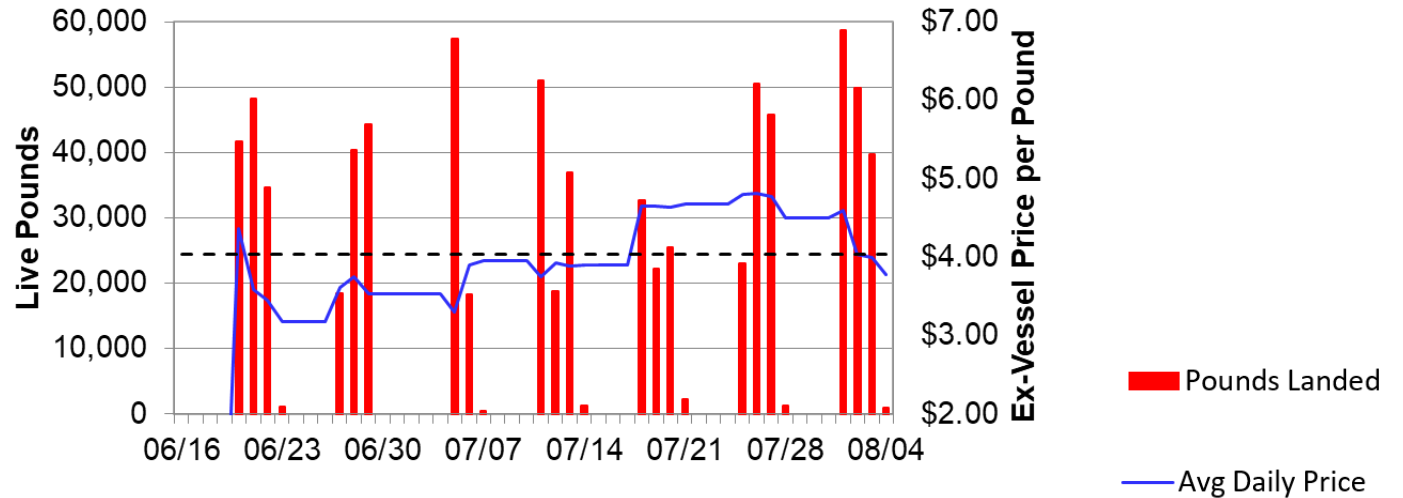
- June 16 – Sep 30: Mon/Tues/Wed
- Oct 1 – Nov 15: Mon-Fri
- 15 fish for vessel-based permits
- 2 fish for other permits
- 35" minimum size

Year	Annual Quota	Closure
2021	735,240 lb (99% used)	Oct. 2
2022	735,240 lb (105% used)	Aug. 4
2023	700,379 lb (96% used)	Aug. 11

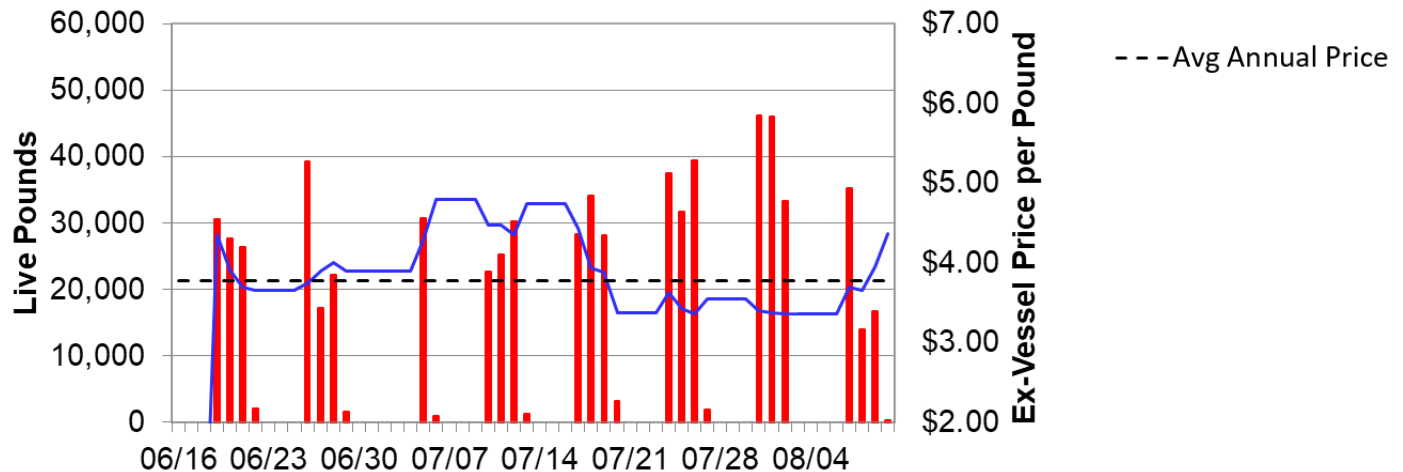


# Daily Landings & Average Price

**2022**



**2023  
(preliminary)**



SOURCE: SAFIS Dealer Reports, as of 11/20/23

February 28, 2024

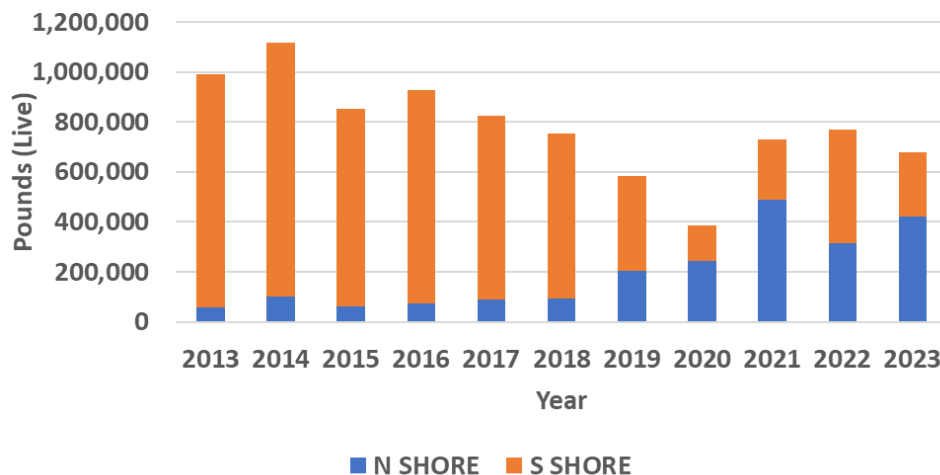
Massachusetts Division  
of Marine Fisheries





# Regional Landings Trend

Total Lbs Striped Bass Sold by Region and Year



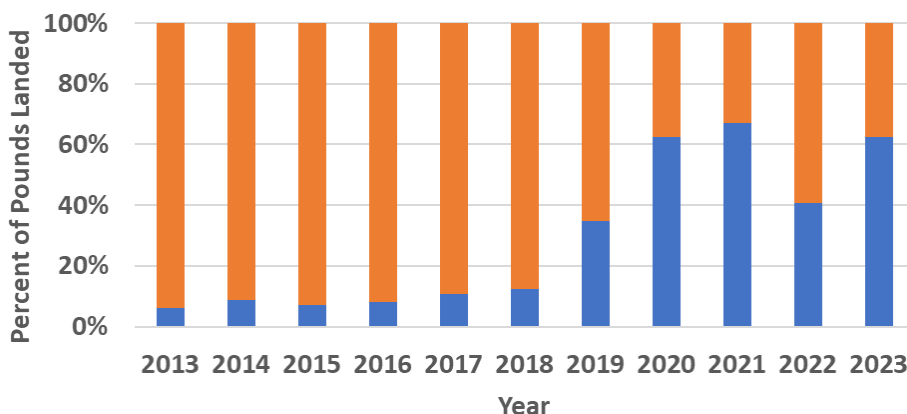
“North Shore” Counties:

- Essex
- Suffolk
- Norfolk

“South Shore” Counties:

- Plymouth
- Bristol
- Barnstable
- Dukes
- Nantucket

Percent of Striped Bass Sold by Region and Year



SOURCE: SAFIS Dealer Reports, as of 11/20/2023

\* 2023 Preliminary

■ N SHORE ■ S SHORE



# Recent Regulatory History

Years	Base Quota	Season	Open Days	Bag Limit	Size
2005-2013	1,159,750 lb	July 12 – Dec 31	Tue/Wed/Thu	30 fish	34" min
			Sun	5 fish	
2014	1,159,750 lb	June 23 – Dec 31	Mon/Thu	15 fish (vessel) 2 fish other	34" min
2015-2019	869,813 lb	June 23 – Dec 31	Mon/Thu	15 fish (vessel) 2 fish other	34" min
2020	735,240 lb	June 23 – Dec 31	Mon/Wed	15 fish (vessel) 2 fish other	35" min
2021-2023	735,240 lb	June 16 – Sept 30	Mon/Tue/Wed	15 fish (vessel) 2 fish other	35" min
		Oct 1 – Nov 15	Mon-Fri		
2024	<b>683,773 lb</b>	June 16 – Sept 30	<i>TBD</i>	15 fish (vessel) 2 fish other	35" min
		Oct 1 – Nov 15	Mon-Fri		

- 2014: Commercial tagging program implemented (at point-of-sale, i.e., done by primary buyers); for-hire sale limited to recreationally-compliant fish
- 2015: Commercial fin-clipping rule added (rescinded in 2020 when com/rec size overlap removed)
- 2018: July 3, July 4 and Labor Day added as closed days
- 2019: Unlawful to gaff sub-legal fish in commercial fishery added
- 2020: Allowance for for-hire to sell fish taken on charters is rescinded (b/c of slot limit); Cape Cod Canal closed to commercial harvest



# Striped Bass Fishing Days Proposal

## Proposal:

1. Reduce the number of open fishing days from three to two days per week.
2. Eliminate Mondays as open fishing day.
3. Maintain Tuesdays and Wednesdays as open fishing days.
4. Consider automatic increase to three days per week based on quota use (e.g., add Thursday on August 15 or September 1 if quota remains).
5. Maintain automatic increase to five days per week on October 1 (if quota remains).

## Rationale:

- Base quota reduced by 7% from 735,240 pounds to 683,773 pounds for 2024 (only 2% lower than 2023 overage-adjusted quota).
- Early August quota closures in 2022 and 2023.
- Reducing number of days per week to two could extend fishery to early September.
- Monday is generally largest landing day, (suggests front loading).
- Automatic quota-use triggers to increase the number of fishing days can mitigate for fishing effort or resource availability reductions that could risk quota underutilization.

### Projected Closure Dates in 2024 Assuming Similar Daily Harvest Rates as 2023

Year	# Days per Week	# Open Days	Last Fishing Day
2023	3	22	August 9
2024	3	22	August 12
2024	2	22	September 4



# Rules Affecting Primary Purchase

## Proposal:

1. Clarify the primary buyer and harvester must both be present at primary sale (i.e., no drop offs).
2. Require primary buyers tag striped bass immediately upon receipt of the fish at primary purchase.
3. Consider redefining open fishing day from a calendar day to a landing window (e.g., 9:00AM on Tue to 8:59AM on Wed and 9:00AM on Wed to 8:59AM on Thur).

## Rationale:

- Epicenter of fishery has shifted from Cape Cod to Cape Ann in recent years.
  - Cape Cod fishery occurred throughout day with fish sold to trucks; Cape Ann fishery is predominately night-time with fish being sold to brick and mortar dealers.
- Night fishing and open day rules conspire to create a “race against the clock” to offload fish to dealer.
  - Want to accommodate night fishing but ensure product is being lawfully caught and sold.
  - Race against the clock has also led to reports of boating safety issues.
- MEP has identified concerns regarding chain of custody and enforcement of rules when fish are dropped off at dealer facility and not immediately tagged.
  - Current tagging rules were developed with consideration towards lengthy queues of harvesters at boat ramps selling to trucks and not brick and mortar facilities.



# Questions and Comments



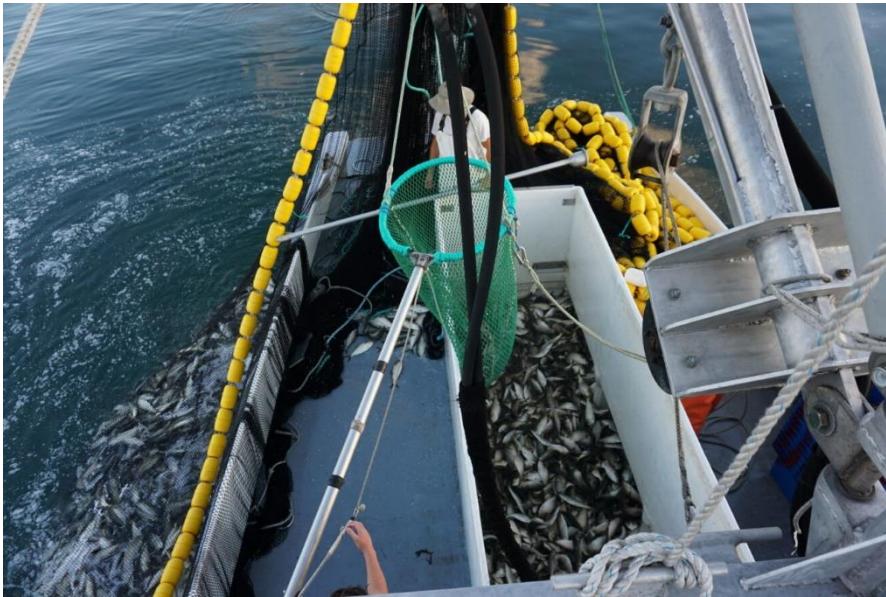
# Menhaden Agenda

## Background

1. Current menhaden management program.
2. Recent performance of menhaden fishery.
3. 2023 management changes and performance.

## Proposal

1. Adjust menhaden season start date.
2. Adjust menhaden trip limit triggers and seining rules.





# Current Menhaden Fishery Management

## January 1 – June 14 & After Quota Taken

- Small scale/incidental limit at 6,000 pounds.
- No purse seines.
- Weir exception for 120,000-lb limit during January 1 – June 14.
- State waters harvest only

## June 15 – Quota

### Limited Entry Fishery (menhaden permit endorsement required):

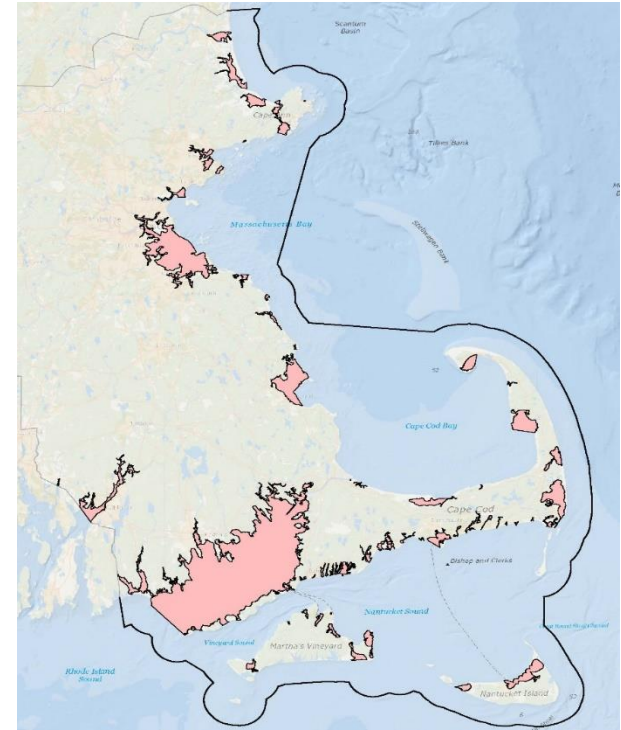
- 120,000 pounds until 50% of quota; 25,000 pounds until 90% of quota; 6,000 pounds until 100% of quota. Limit stays at 25,000 pounds if 90% not reached by 9/1.
- Holds must be surveyed and marked at 120,000-pound and 25,000-pound storage levels.
- Carrier vessels allowed until trip limit is reduced to 6,000 pounds, except in Boston Harbor where prohibited.

### Open Entry Fishery (general commercial fishing permit):

- 6,000-lb limit
- No carrier vessels allowed.

## Seine Restrictions

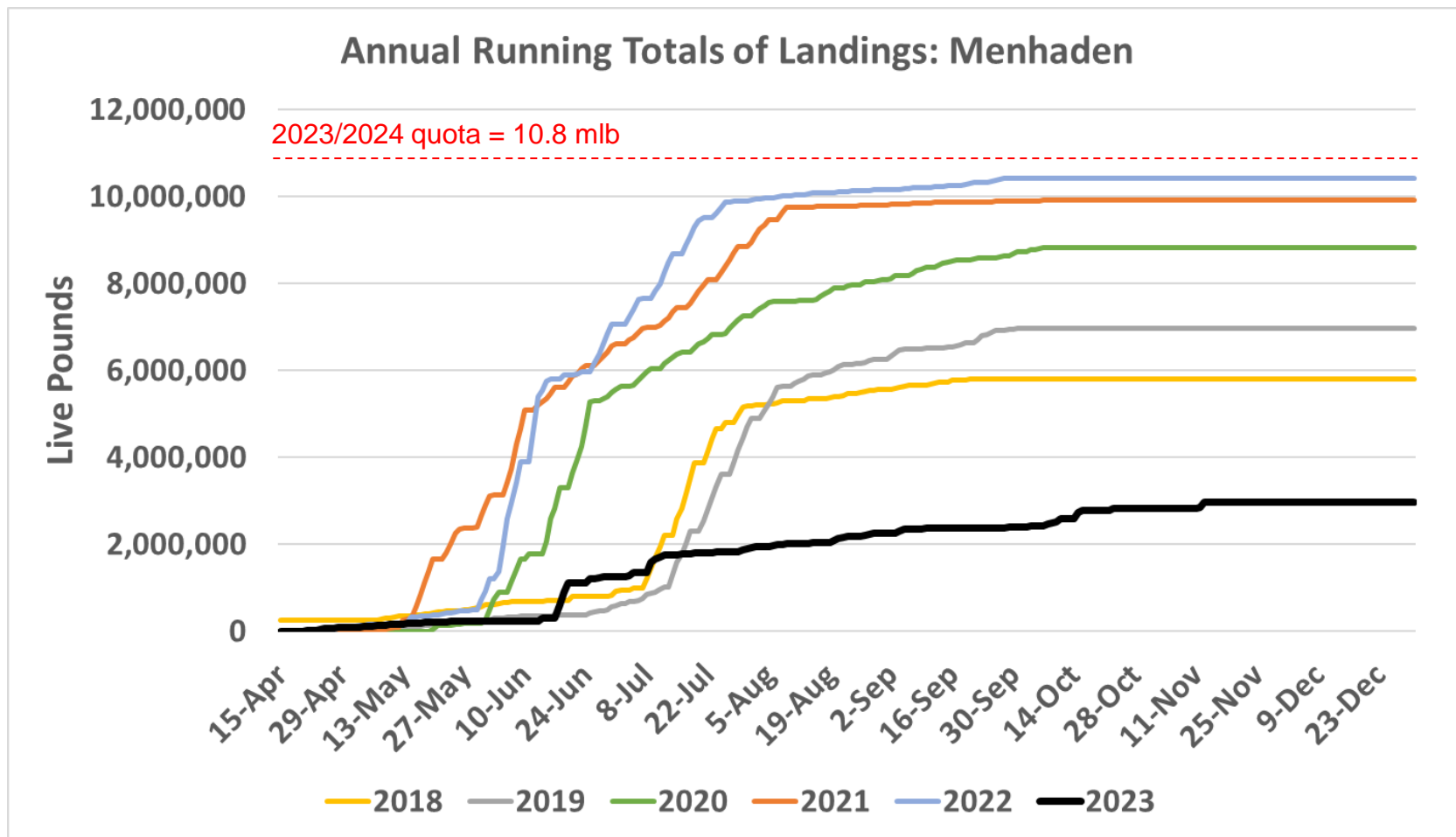
- No seining until June 15 or after quota closure.
- No seining year-round in Buzzards Bay or certain areas of Boston Harbor.
- No seining on Saturday and Sunday; and Fridays in Beverly Harbor.
- No seining on Friday when LE trip limit is at 120,000 pounds.
- No seining on 4<sup>th</sup> of July or Labor Day.
- Inshore Net Permit required to seine in inshore waters.
- 600' length for inshore net areas; 450' x 48' for 6,000-lb limit fisheries. Seine size to be annually inspected by DMF.
- No night fishing.



*Figure shows Inshore Net Areas. Inshore net permit required for all nets other than cast nets and small bait nets ( $\leq 250$  sq ft). Cast nets and small bait nets require no specific permit to take bait for personal use. Net fishing in Buzzards Bay is prohibited.*



# Fishery Landings



# Review of 2023 Fishery

## Background

- 2023 regulations (e.g., season/trip limits/days) changed to account for:
  - Interstate plan revisions: quota reallocation, removal of purse seines from small-scale/incidental allowance
  - Recent fishery performance: rapid pace of landings, reliance on quota transfers
- 2023 landings substantially less than recent years (e.g., 2021 and 2022)
  - Nearshore availability changed, not overall stock abundance
  - Large influx of fresh water this season from rain events
  - Later season start date
- In-season adjustment made (in mid-Sept.) to maintain 120,000 trip limit until 90% quota use and maintain Friday as purse seine closed fishing day after 50% of quota was taken.

	Season Start	Limited-Entry Trip Limits and Quota Use Triggers	Purse Seine Open Days *
<b>2022</b>	June 1 for landings > 6,000 lb.	<ul style="list-style-type: none"><li>• 125,000-lb trip limit until 85% quota use.</li><li>• 25,000-lb trip limit from 85% to 100% quota use.</li><li>• 6,000-lb IC/SSF trip limit for all gears after 100% quota use.</li></ul>	<ul style="list-style-type: none"><li>• Mon–Fri</li></ul>
<b>2023</b>	June 15 for all purse seine landings	<ul style="list-style-type: none"><li>• 120,000-lb trip limit until 50% quota use.</li><li>• 25,000-lb trip limit from 50% to 90% quota use.</li><li>• 6,000-lb trip limit from 90% quota use, provided before 9/1, to 100% quota use; otherwise, 25,000-lb trip limit.</li><li>• 6,000-lb IC/SSF trip limit for non-purse seine gears after 100% quota use.</li></ul>	<ul style="list-style-type: none"><li>• Mon–Thu until 50% quota use</li><li>• Mon–Fri for 50–100% quota use</li></ul>

\* Area and date specific seining rules omitted (e.g., holidays).



# Menhaden Season and Trip Limit Proposal

## Proposals:

1. Return to June 1 start date for directed open access and limited access seining.
  - Adopt a conditional date of July 1 to begin the 25,000-pound fishery if 50% of quota is taken very quickly with earlier start date (with interim 6,000-lb limit).
2. Allow the 120,000-lb LE trip limit to continue beyond 50% quota use if that doesn't occur until September 1 or later (limit would reduce to 25,000 lb at 90% quota use).
  - Clarify purse seining closed day language such that Friday stays closed as long as 120,000-lb LE trip limit remains in effect.

## Rationale:

- Adds more flexibility to fishery to achieve quota under wider range of resource availability.

	Season Start	Limited-Entry Trip Limits and Quota Use Triggers	Purse Seine Open Days *
<b>2024 proposals compared to 2023 rules</b>	<del>June 15</del> <b>June 1</b> for all purse seine landings	<ul style="list-style-type: none"><li>• 120,000-lb trip limit until 50% quota use.</li><li>• 25,000-lb trip limit from 50% quota use, <b>provided after 7/1 and before 9/1</b>, to 90% quota use. <b>If 50% quota use occurs before 7/1: 6,000-lb trip limit through 6/30, then 25,000-lb trip limit on 7/1. If 50% quota use occurs 9/1 or later, 120,000-lb trip limit through 90% quota use.</b></li><li>• 6,000-lb trip limit from 90% quota use, provided before 9/1, to 100% quota use; otherwise, 25,000-lb trip limit.</li><li>• 6,000-lb IC/SSF trip limit for non-purse seine gears after 100% quota use.</li></ul>	<ul style="list-style-type: none"><li>• Mon–Thu until 50% quota use <b>while 120,000-lb LE trip limit applies</b></li><li>• Mon–Fri for 50–100% quota use <b>while 25,000-lb or 6,000-lb LE trip limit applies</b></li></ul>

\* Area and date specific seining rules omitted (e.g., holidays).



# Questions and Comments



# Atlantic Mackerel Trip Limit

## Proposal:

- Adopt a 5,000-pound state waters trip limit for mackerel.
- Reduce trip limit to 2,500 pounds once 80% of annual quota is taken.
- Allow federal permit holders fishing lawfully in federal waters to transit state waters in excess of the state's trip limit to land fish.

## Rationale:

- Complements recent open access trip limits set by MAFMC.
- Ensures state management does not undermine federal conservation objectives.
- Control fishing activity in state waters by state-only and federal permit holders.
- Prevents state waters from become an area for vessels to avoid federal open access limits.
- Limits potential user group conflicts stemming from increased fishing activity in state waters.
- Limit exceeds current state-waters only landings (maxes out at ~1,000 pounds per trip).



# Questions and Comments





# Shellfish Agenda

## Proposals

1. Revisions to icing requirements during Vp Season to match Control Plan.
2. Make clear that the most specific alpha-numeric sequence for DSGA is to be recorded on shellfish harvester tag.
3. Clarify only ice made from potable water may be applied to shellfish.
4. Adopt a uniform state-wide night closure for the commercial harvest of shellfish.
5. Allowance relevant to location for primary sale of shellfish.



# Icing of Oysters During *Vp* Season

## Proposal:

1. Eliminate regulations that require a certain amount of ice around oysters in favor of requirement that more simply requires oysters be completely and continuously surrounded by ice.
2. Exempt fishers from icing requirements if primary buyer takes on burden of icing at landing site and within time-to-icing window.

## Proposed Icing Language:

- Mesh bags containing oysters be completely surrounded by ice, including at the bottom of the container and each level of bags, so that each bag is continuously and completely covered with ice;
- Loose oysters in a container of ice be completely surrounded by ice, including at the bottom of the container and each level of bags, so that each bag is continuously and completely covered with ice.
- This requirement shall be waived if the responsibility for icing is taken on by the wholesale dealer at the landing site at primary purchase and occurs within two-hours of time of harvest.

## Rationale:

- This change to icing requirements was made in 2023 *Vp* Control Plan, but DMF was unable to timely modify regulations.
- Meets intent of icing requirements in a less prescriptive manner.



# Harvester Tagging and Recording DSGA

**Proposal:** More clearly specify the most specific alpha-numeric sequence describing the DSGA be recorded on the harvester tag.

## Rationale:

- Many DSGAs contain sub-areas with different water quality classifications.
- DMF's current rules do not adequately specify the sub-area must be identified.
- Efficacy of tagging program is undermined if only broadest DSGA is recorded.
- Model Ordinance requires the “most precise identification of the harvest location”.

HARVESTER TAG

NAME: John Smith

HARVESTER PERMIT #: 111-111

HARVEST DATE: 7/27/15 TIME: 12:05

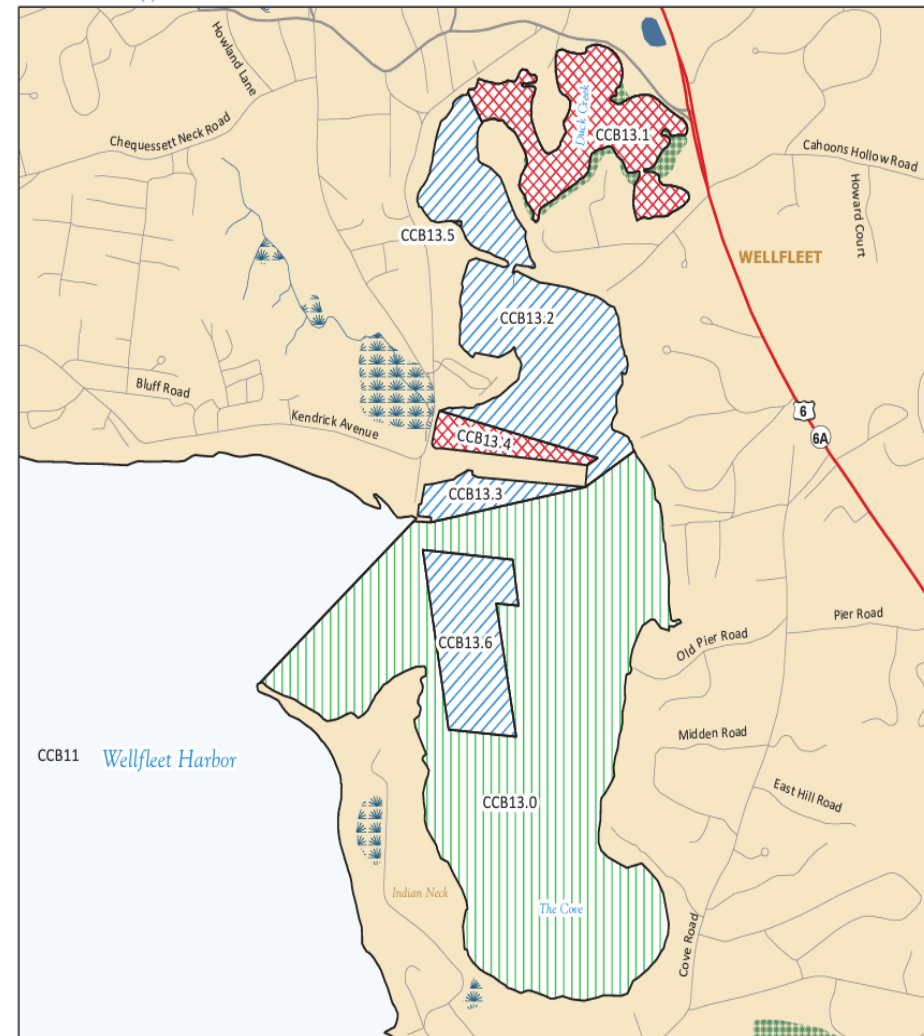
HARVEST AREA: MA CCB-13 TOT 1:35

TYPE OF SHELLFISH: Oyster

QUANTITY OF SHELLFISH: 100

THIS TAG IS REQUIRED TO BE ATTACHED UNTIL CONTAINER IS EMPTY OR IS RETAGGED AND THEREAFTER KEPT ON FILE FOR 90 DAYS.

## Classifications for DSGA CCB13



# Sanitary Icing of Shellfish

**Proposal:** Clarify that only ice made from potable water may be applied to shellfish.

**Rationale:**

- DMF's current interpretation of its regulations is that only ice sourced from potable water may be applied to shellfish.
- This interpretation is consistent with Model Ordinance, "any ice used in storage or cooling of shellfish during harvest shall be made from a potable source."
  - The term harvest is defined broadly as "the act of removing shellstock from growing areas and its placement on or in a manmade conveyance or other means of transport.
- Some aquaculturists were using Zamboni ice for overwintering purposes.
- Existing re-submergence requirements are designed to control *Vp*. not address potential exposure to biological, chemical, industrial, or other adulterants that may occur with iced sourced from non-potable water, particularly discarded Zamboni ice.
- Use of ice sourced from non-potable water is inconsistent with safe food handling practices and could undermine public confidence in Massachusetts shellfish.
- DMF will work with industry to enhance availability of affordable and clean ice.
- Will eliminate any remaining confusion on subject.





# Night Closure

**Proposal:** Adopt a state-wide blanket night closure to commercial shellfish harvest. Closure would be ½-hour after sunset to ½-hour before sunrise.

## **Rationale:**

- A myriad of state and local controls currently used to prohibit night fishing for shellfish.
  - State rules control state managed fisheries (e.g., sea scallops, surf clams and ocean quahogs, CAP permits) and depuration fishery.
  - State law restricts removal of shellfish from grant sites.
  - Rely on municipalities to adopt night closure for other species/fisheries (e.g., oysters, quahogs) under their home rule authority.
- Uniform closure for all commercial shellfish fisheries in Massachusetts waters would enhance enforcement and compliance; promote public health and safety; and could bolster justification for smaller safety zones are WWTP outfalls.



# Locations for Primary Sale of Shellfish

**Proposal:** Allow the primary sale of shellfish to occur at a municipally managed site approved by the DMF Director.

**Rationale:**

- DMF regulations have historically required primary sale only occur at landing site or wholesale dealer facility.
- Town of Barnstable reported severe congestion issues at Blish Point and Millway landing sites and sought to accommodate primary sales at a nearby municipal lot (“Grassy Knoll”) that is actively monitored.
- DMF accommodated this via a Letter of Authorization in 2023.
- A regulatory adjustment would formalize this approach.





# Questions and Comments



# Permitting Agenda

## **Transferability Proposals**

1. Relax transferability standards for black sea bass, tautog, and fluke endorsements from actively fished for four out of past five years to two out of past five years.
2. Allow transfer of latent, but otherwise transferable endorsements, in a transfer to an immediate family member.

## **Housekeeping Proposals**

1. Allow for electronic display of commercial fishing permit.
2. Update definition of immediate family to be more inclusive.
3. Eliminate outdated references to Coastal Lobster Permit waiting lists.



# Permitting Transferability Proposals

**Proposal:** Relax transferability standards for black sea bass, tautog, and fluke endorsements from actively fished for four out of past five years to two out of past five years.

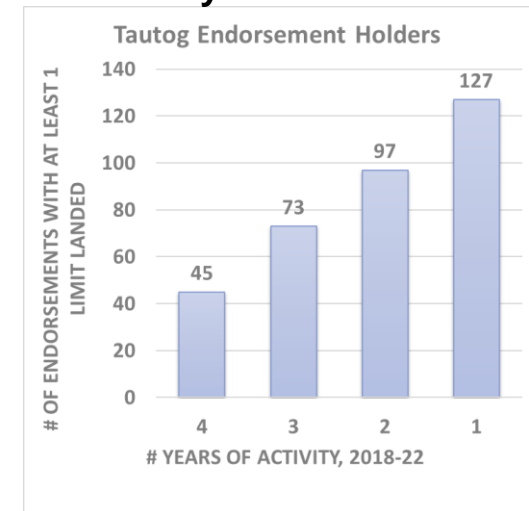
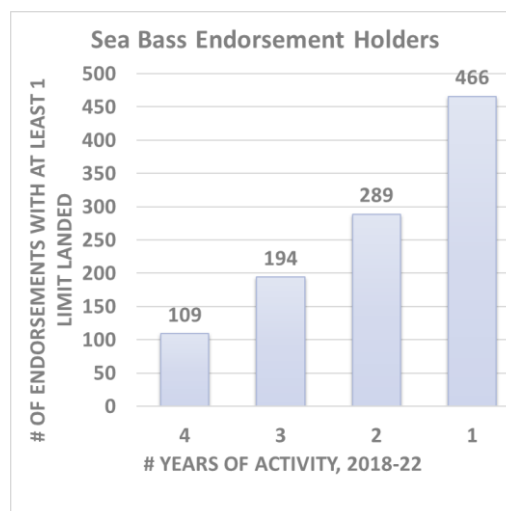
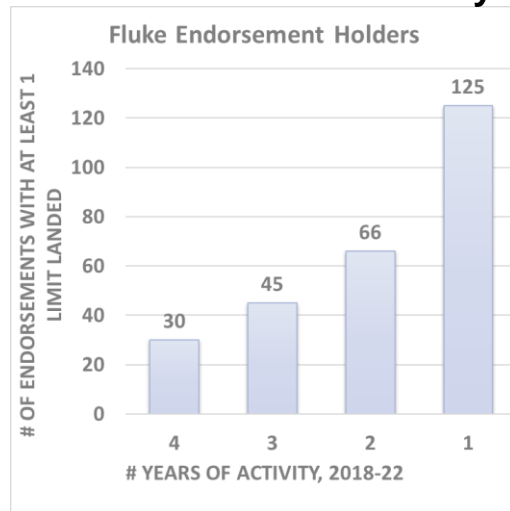
## Rationale:

- Barriers to entry often described as being too burdensome.
- Would enhance transferability to increase ability to broaden portfolio or enter commercial fishing.
- Rod and reel effort is variable making existing thresholds difficult to reach.
- Would approximately double the number of potentially transferable endorsements.
- More than half the potentially transferable endorsements are held by fishers who are >60 years of age.
- Attrition occurring as permits are retired and not transferred.

## Additional Info

- Definition of actively fished is established by policy as aggregate pounds of each managed species landed and sold per year: 300 lbs for fluke; 250 lbs for black sea bass; and 120 lbs for tautog.
- Policy allows for latent endorsements to be bundled in transfer with an active endorsement.

## Number of Potentially Transferable Endorsements at Various Years of Activity Thresholds



# Immediate Family Transfers

**Proposal:** Allow transfer of latent, but otherwise transferable endorsements, in a transfer to an immediate family member.

## Background and Rationale:

- DMF currently allows transfer of latent Coastal Lobster Permits to immediate family.
- Regulations do not similarly allow transfer of latent, but otherwise transferable, endorsements to immediate family.
- This would allow family businesses to remain in-tact.
- Gillnet endorsement would remain non-transferable.
- Menhaden and GE endorsements would remain non-transferable if latent.



Source: Vineyard Gazette

# Housekeeping

**Proposal:** Allow electronic display of commercial fishing permit.

**Rationale:**

- New permitting system allows for online renewals.
- Would allow fishers to maintain e-copy of permit on phone rather than printed copy.

**Proposal:** Enhance definition of immediate family to extend to step and adoptive family.

**Rationale:**

- Current definition is outdated and does not account for more modern types of family units.
- Would become consistent with definition elsewhere in Massachusetts law and regulation.

**Proposal:** Eliminate outdated reference to waiting list for Coastal Lobster Permit.

**Rationale:**

- DMF has not and does not intend to use waiting list.



# Questions and Comments





# Written Public Comment

Written public comment will be accepted through 5PM on Friday, March 8, 2024. Please address written comment to Director Daniel McKiernan and send by e-mail to [marine.fish@mass.gov](mailto:marine.fish@mass.gov).

