



David E. Pierce, PhD.  
Director

# Commonwealth of Massachusetts

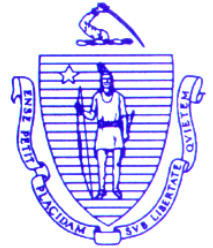
## Division of Marine Fisheries

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March 28, 2017

Marine Fisheries Advisory

### Public Scoping on 2017 Commercial Black Sea Bass Limits Meeting Scheduled for April 4, 2017

In late-February 2017, DMF was made aware that the coast-wide black sea bass commercial quota was being increased by 53% in 2017. As a result, Massachusetts' annual commercial black sea bass quota is expected to go up to 530,000 pounds, as compared to 350,000 pounds in 2016. Due to the late timing of this quota increase, DMF could not accommodate a normal rule making and public hearing schedule and implement potential regulatory adjustments for the 2017 commercial fishing season. To ensure that this quota increase is addressed this year, DMF is proposing to enact emergency regulations this spring. Prior to enacting these emergency regulations, however, we are accepting public comment. DMF will then review public comments and discuss the proposal with the Marine Fisheries Advisory Commission at their April 10<sup>th</sup> business meeting. An emergency regulation may then be filed to implement changes in time for May 1<sup>st</sup>.

Written comments will be accepted until 5PM on Wednesday, April 5, 2017. Please address all comments to Director David Pierce and e-mail to [marine.fish@state.ma.us](mailto:marine.fish@state.ma.us) or send via post to 251 Causeway Street, Suite 400, Boston MA, 02114. A public scoping meeting is scheduled for:

**6PM**  
**April 4, 2017**  
**MA Maritime Academy**  
**Buzzards Bay, MA**

This proposal affects the pot, hook and line, trawl and weir fisheries. Commercial anglers and potters have expressed interest in opening the fishery earlier in the summer when the fish are available and the market is strong. Accordingly, a proposal is being made to open the directed pot and hook and line fishery on the first open fishing day after July 15, rather than the first Tuesday of August. This will be July 16<sup>th</sup> in 2017. Trip limits and open fishing days for these gears will remain status quo. For trawlers, the proposal allows for a 100 pound bycatch trip limit beginning on May 1. Aggregate landings will be capped at 75,000 pounds prior to July 15<sup>th</sup> to ensure the trawlers do not substantially reduce the quota available to the directed fishery. Lastly, DMF is proposing to increase the weir fishery set-aside from 10,000 pounds to 15,000 pounds commensurate with the overall quota increase.

### **Black Sea Bass Pots and Hook and Line**

- Open Fishing Season: Move the season start date from the first Tuesday in August to the first open fishing day after July 15. For 2017, this will be Sunday, July 16.
- Open Fishing Days: Maintain existing commercial fishing days (Sundays, Tuesdays and Wednesdays).
- Limits: Maintain the existing 300 pound commercial limit for black sea bass potters and 150 pound commercial limit for commercial anglers.

#### *Rationale*

After accounting for trawl fishery catch and the weir set-aside, DMF expects that there will be approximately 440,000 pounds of quota available to the directed black sea bass pot and hook and line fisheries. Assuming status quo rules and similar catch rates as recent years (20,000 – 25,000 pounds per day), we expect there to be approximately 20 open fishing days. Under status quo rules, this would result in a mid-to-late September closure.

Informal conversations with fishery participants have demonstrated a preference for opening the fishery in mid-July rather than close in mid-September. They argue this would benefit the commercial fishery because the fish are more available and the market is strong in July, as opposed to September. The mid-July start date would also occur after spawning and is thereby consistent with DMF's rationale for the 2013 rule change. Additionally, a mid-July start date may reduce potential user group conflicts with the recreational fishery, which have occurred in recent years when the commercial fishery remains open but the recreational fishery is closed.

DMF is not recommending any changes be made to the trip limits. While there was some discussion this winter about adjusting open fishing days, a proposal is not being moved forward at this time. Note that hook and line fishery participants may favor the existing commercial fishing days because they do not align with open fishing days in the striped bass fishery.

### **Trawl Fishery Proposal**

- Open Fishing Season: Move the season start date from the first Tuesday in August to May 1, to accommodate a small bycatch limit in the small-mesh squid and large-mesh fluke trawl fisheries.
- May 1 – July 14: Allow vessels to retain 100 pounds of black sea bass on any open fishing day and cap aggregate trawl landings at 75,000 pounds. If the seasonal cap is reached, the trip limit will be reduced to 0 pounds for the remainder of the period.
- July 15 – Quota: Allow trawlers to continue to retain 100 pounds of black sea bass on any open fishing day. Landings during this period will not be subject to seasonal cap.
- Fishing Days: Consistent with open days during the squid fishery, black sea bass may be retained 7-days per week (no closed days) from May 1 – June 9. Then consistent with open fishing days in the fluke fishery, black sea bass may be retained 5-days per week (closed Friday and Saturday) after June 10.

#### *Rationale*

When DMF last amended the commercial black sea bass regulations (2013), the annual quota was moved to the late-summer period. This eliminated the ability for trawlers to retain a bycatch of black sea bass until early August. With this increase in quota, it is appropriate to provide trawlers with a small bycatch allowance, turning some regulatory discards into commercial landings. DMF analyzed Northeast Fisheries Observer Program (NEFOP) data for 141 trips from 2010-2016 in Nantucket and Vineyard Sounds. Average observed bycatch of black sea bass in small mesh squid trips was 137 pounds and it was 37 pounds for large mesh fluke trips.

From May 1 until the quota is taken, DMF is proposing to allow trawlers a 100 pound bycatch limit. This limit is consistent with black sea bass bycatch levels demonstrated in the NEFOP analysis. For the period of May 1 – July 14, aggregate trawl catch will be capped at 75,000 pounds (15% of annual quota). This cap will work to ensure that the trawl fleet does not substantially reduce the quota available to the summertime directed fisheries. If the cap is taken, the bycatch limit will be reduced to 0 pounds until the end of the

period. A 100 pound bycatch limit will then be allowed again from July 15 until the quota is taken, but there will be no seasonal catch cap. This is because we cannot actively isolate and monitor trawl landings from dealer reports once the directed fishery opens. Considering net selectivity in the large mesh fishery and an expected late-July fluke closure, we do not anticipate that this summertime bycatch allowance will contribute substantially to overall landings.

### **Weir Fishery Proposal**

- Annual Set-Aside: Increase the weir set-aside from 10,000 pounds to 15,000 pounds.

#### Rationale

The weir fishery is currently granted a 10,000 pound set-aside. If the set-aside is taken, the weir fishery is closed. If the set-aside is not taken the remaining allotment can be harvested by other gears. In recent years, the weir landings have approached this set-aside. During this winter's public hearings, some weir operators requested DMF nominally increase the set-aside. Approximating the increase in the annual quota, DMF is proposing to increase the weir set-aside by 50% from 10,000 pounds to 15,000 pounds.