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DMF NEWS

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Spiny Dogfish Management: More than Meets the Eye

Dogfish may not be the most attractive fish in the sea, just a poor cousin to the more glamorous sharks of greater size and ferocity. Nevertheless, these small sharks, abundant from Nova Scotia to Cape Hatteras, N.C., now demand the attention of fisheries managers who have found it necessary to develop a management plan to stop dogfish overfishing.

At one time, overfishing of dogfish wouldn't have raised an eyebrow, but times have changed. Federal law, the Sustainable Fisheries Act, requires that overfishing be stopped and abundance be increased to provide for maximum sustainable yield (MSY), the new clarion call to action for fishery management councils.

Massachusetts is a big player in the dogfish fishery. According to the Draft Fishery Management Plan for Dogfish, recently adopted by both the New England and Mid-Atlantic Councils, Massachusetts' average annual landings from 1988-97 was 18.9 million lbs. We accounted for 53% of total landings. North Carolina was second at 5.7 million lbs. During this 10-year period Massachusetts landings ranged from a low of 4.9 million lbs. (1989) to 28.8 million lbs. (1995). Landings were 27.0 million lbs. in 1996 and 21.8 million lbs. in 1997. North Carolina landed 13.2 million lbs. in 1996 and 7.6 million lbs. in 1997.

Plymouth, Scituate, and Chatham give evidence to the importance of dogfish to Massachusetts. In Plymouth and Scituate about 75% of total value of 1997 landings was from dogfish (about 93% of total pounds). In Chatham dogfish made up 21% of value and 74% of total pounds. Most dogfish landings are trucked to New Bedford for processing, where a variety of fish products are created for export. The filets along the back are shipped to European markets for use in fish & chips; belly flaps are shipped to Germany for smoking; fins are shipped to Asia for use in soups; and livers have been used for medical purposes.

The Draft Plan's proposals will be the death knell for Massachusetts' dogfish fishery, if these proposals are jointly adopted by both Councils later this year or early in 1999. According to the Draft Plan, the proposed low quota may cause processors to cease processing spiny dogfish and thus cause established U.S. based markets to collapse.

The Councils propose that in the first year of the plan, the commercial quota for the fishery along the coast will be 22 million lbs., split seasonally with 57.9% for May through October and 42.1% for November through April, based on 1990-1997 data. This quota will be for an "exit" fishery with a dogfish fishery prohibition for nine years thereafter. The irony, and distastefulness, of this proposal is that bycatch and discard of dogfish taken by otter trawlers targeting groundfish (e.g., cod and flounders) exceeds the quota proposed for the directed fishery. One estimate of discard was 55,100,000 lbs. in 1993 with 30,856,000 lbs. of this total not surviving.

What signs point to dogfish overfishing? We refer the reader to the "Report of the 26th Northeast Regional Stock

Photo by Dan McKiernan

Since 1994, DMF has helped fishermen document dogfish fisheries free of groundfish by-catch to meet federal mandates. The new Plan could shut down these fisheries.

Assessment Workshop (SAW January 1998)" prepared by the Northeast Fisheries Science Center (NEFSC). Abundance of "fishable biomass" (large fish greater than 31") in 1997 was about 314 million lbs. Abundance was about 524 million lbs. in 1990.

Of importance, the fishery targets large females, and in 1997, 75% of the females caught in the NEFSC spring survey were below the length when 50% are mature (about 31"). Furthermore, abundance (biomass) of males and immature females (14-31" length range) is as high as it has even been. But since dogfish grow slowly, it could take 10 years before there are enough reproducing females (greater than 32") to bode well for the stock.

Dogfish have low rerproductive potential. because they bear live young with litters of 2-15 pups (averaging 6). Recruitment of young fish is directly related to and dependent on the number of adult females (greater than 32") in the stock. Scientists estimate that the stock size maximizing average recruitment is about 440 million lbs. (adult dogfish biomass). Current adult biomass is about 280 million lbs. The Councils propose to rebuild to 440 million lbs. over a 10-year period.

The Councils are now faced with a fateful decision. If they opt to stop the directed fishery with the objective of rebuilding dogfish biomass to a relatively high level, how do they reconcile this action with continued high and uncontrolled discarding of dogfish in other fisheries, such as groundfish? Moreover, as noted in the Plan:

"Spiny dogfish are competitors with virtually every marine predator within the Northwest Atlantic Ocean ecosystem. These include a wide variety of predatory fish, marine mammals, and seabirds."

Not too long ago, scientists concluded (18th SAW December 1994):

"...Preliminary calculations indicated that the biomass of commercially important species consumed by spiny dogfish was comparable to the amount harvested by man. Accordingly, the impact of spiny dogfish consumption on other species should be considered in establishing harvesting policies for this species."

Ecosystem considerations surely should not be ignored. NEFSC scientist Steven Murawski made this point in his 1991 paper, "Can we manage our multispecies fisheries?" Other notable NEFSC scientists (Mayo, Fogarty, and Serchuk) made this point in their 1992 publication, "Aggregate fish biomass and yield on Georges Bank, 1960-87." They concluded:

"...Recent increases in biomass of elasmobranchs [sharks and skates] and principal pelagic species (herring and mackerel) have resulted in further shifts in system structure. The biomass of piscivores [fish eaters] is currently high and this shift may act synergistically with increasing exploitation rates to cause further declines in biomass of commercially desirable species...the increasing biomass of piscivores of little commercial value, particularly dogfish, mackerel and large skates, may further depress production levels [commercial desirable species] by increasing predation mortality on both the pre-recruits and recruited components of the principal groundfish populations. The synergistic effects of exploitation and predation can affect the stability and resilience of these populations and result not only in lower levels of production but increased probability of a population collapse. It is possible that the observed changes in system structure may not be reversible without manipulation of predator biomass to reduce the dominance of piscivores in the system. Reduction in fishing mortality rates alone on the commercially desirable species may not be sufficient to increase recruitment and overall production..."

These are weighty words. Consequently, the Councils have the dilemma of needing to rebuild dogfish even though by doing so they likely will impact efforts to rebuild cod, flounders, and other groundfish, a high priority, time-consuming, and longstanding labor of the New England Council. Unfortunately, the draft plan is silent on this issue. It shouldn't be, and it won't continue to be since DMF intends to stimulate more Council discussion on this critical multispecies management challenge.

by David Pierce, Ph. D.

New State Record for Atlantic Halibut Recognized

A new state record for halibut will be entered on the books this year - for a fish caught 33 years ago. DMF was recently contacted by the family of the late Norman "Champ" Cournoyer whose 321 lb. halibut won the Governor's Cup for the largest halibut in 1965. Members of his family were perusing the 1998 Massachusetts Saltwater Fishing Guide when they noticed that the state record for halibut was listed as a 255 lb fish caught by Sonny Manley in 1989. They contacted the DMF Sportfish Program and reported Norman's well-documented catch from July 21, 1965. The fish was taken off Scituate near the North River. Using 50 lb. test line and clams for bait, "Champ" landed the seven foot monster in 1 hour and 15 minutes. The catch was documented with newspaper accounts and the photo. The halibut will be listed in the Massachusetts Saltwater Fishing guide as a state Gamefish Record.

Photo courtesy of the Cournoyer family

Prior to 1983, the Satwater Fishing Derby was known as the Governor's Cup, and was administered by the Division of Tourism. When DMF accepted the program in 1983, we also established a list of saltwater gamefish records. DMF researched historic International Gamefish Association Records as well as previous Governor's Cup annual winners. This one fell through the cracks, but we are pleased to recognize Norman "Champ" Cournoyer's trophy from 1965.

by Drew Kolek

Merrimack River Game Plan: Reduce Salmon Stocking

DMF has been an active partner in the Merrimack River Anadromous Fish Restoration Program since its inception in 1969. The Merrimack, the fourth largest river in New England, once supported extensive runs of Atlantic salmon, American shad, river herring and Atlantic sturgeon. Dams constructed in the 1800s to harness the water power that fueled the Industrial Revolution prevented these species from reaching their historic spawning grounds and virtually eliminated the anadromous fish resources in the Merrimack River basin.

DMF joined forces with other state and federal fisheries agencies to develop a plan to rebuild anadromous and resident fish populations. Key elements of the plan included construction of effective fish passage facilities at the dams and stocking the system with fish from donor populations. Progress to date has been slow but steady with some species responding better than others.

In the early 1970s the shad population had been reduced to a mere remnant of historic runs. Today, the Merrimack River supports one of Massachusetts' most successful recreational shad fisheries. Continued improvements to passage facilities as well as intra-basin transfer of adults are being implemented and should boost production of this resource.

On the other hand, Atlantic salmon restoration efforts have not produced such dramatic results. Salmon had been completely wiped out from the Merrimack. Eggs for this restoration effort are provided by salmon returning to the Merrimack River and domestic broodstock of Merrimack and Penobscot origin. Emphasis has shifted from stocking smolts to fry. Smolt production peaked at 189,300 in 1985 and has since dropped to 50,000 in 1996. Fry production has grown from the mid 1970s when approximately 75,000 fry per year were stocked to 2,827,000 releases in 1995. In the spring of 1998, 2,587,000 fry and 50,000 smolts were released.

Returns to the Merrimack peaked in 1991 with 332 adult salmon counted at the Essex Dam fish passage facility. Returns have declined since that time despite high levels of fry stocking. Why? There appears to be two major in-river factors reducing rates of return from stocked fry: (1) intense lower river predation, primarily by striped bass, and (2) depressed pre-smolt growth rates of stocked fry.

There is a strong relationship between striped bass abundance and the trend in return rates suggesting that striped bass predation could be a major factor controlling Merrimack River return rates. Although there are no real options for managing the lower river predator population, we hope that current efforts to increase river herring populations will provide an alternative food source for striped bass and lessen their impact on outmigrating smolts.

Depressed growth rates appear to be strongly related to increasing fry stocking levels. The cause may be intra-specific competition due to higher fry densities and the expanding use of more marginal habitat. Of importance to managers, if the decreased growth rate of stocked fry is due in any part to this competition and use of marginal habitat, current stocking densities should be lowered and the habitat stocked carefully chosen. The current management strategy has been to increase the numbers stocked in an effort to increase the numbers returning. However, the resultant density-dependent factors may have depressed growth and survival rates to negate the increased stocking effort.

It seems we must adopt a strategy to increase the average size of smolt entering the estuary thereby increasing the chances that smolt entering the estuary to return to the sea will survive through this "zone of predation." The expected impact of increased predation is that smaller smolts are cropped off at a higher rate than larger smolts. This might mean we should stock fewer fry.

There is another complicating factor. Survival of post-smolts during their first year at sea has been well established as the primary factor controlling adult returns. Survival during this period is closely related to the Thermal Index, an ocean temperature parameter. Since 1990, adult returns of hatchery smolts stocked in the Merrimack River have tracked the Thermal Index, providing a reasonable basis for assuming that numbers of released pre-smolts proportionately reflect the number of post -smolts entering the ocean year to year. This implies that variability in year class strength of stocked smolts may be controlled by marine rather than riverine or estuarine factors. River/estuary mortality factors may still strongly influence the actual numbers of adults in a year class, but don't appear to control annual changes in survival rates.

In summary, concern that the rate of return for stocked salmon fry has seriously declined has prompted a careful review of the entire fry stocking program. The results of this evaluation have changed current stocking practices in the Merrimack River Program. Fry stocking levels will be reduced and carefully monitored to determine growth rates and return rates.

There has been some concern raised in the media that the proposed reduction in salmon stocking rates reflect reduced interest in the salmon program. We hope the information presented here conveys the careful thought and bilogical foundations that went into the decision.

Article and Photo by Rusty Iwanowicz Technical Committee Chairman

Acoustic 'Pingers' on Gillnets Required to Protect Porpoise

About 40 gillnetters attended a special meeting in Gloucester to be "certified" for use of pingers, underwater acoustical devices required on gillnets to reduce the unintentional capture of harbor porpoise. DMF arranged this session primarily for gillnetters who hold DMF permits only and fish just in state waters. A representative of the Rhode Island Sea Grant Outreach Program, contracted by the National Marine Fisheries Service (NMFS), demonstrated the use and maintenance of pingers.

Pingers are a key requirement in the federal Harbor Porpoise Take Reduction Plan implemented on December 1. This Plan and accompanying regulations have been filed under the authority of the Marine Mammal Protection Act (MMPA).

Less than 6' long, harbor porpoises are found in coastal waters where they prey on small fish and risk entanglement in gillnets. NMFS estimates that about 2,000 porpoises are accidentally caught and injured or killed in New England and Mid-Atlantic gillnet fisheries each year. Abundance of porpoise in the Gulf of Maine is estimated to be about 50,000 animals.

The central problem facing fishermen is that the Plan sets a "potential biological removal" level (due to humans) of 483 animals. Fortunately, according to NMFS, pingers in combination with gear modifications and time/area closures is expected to cut the accidental take to about 309 animals in the Gulf of Maine and less than 50 in the mid-Atlantic. This is good news, although not without a downside. NMFS estimates about a $4,000 cost for pingers for an average New England gillnet vessel.

Pingers will be required on gillnets in Massachusetts waters north of Marblehead to the New Hampshire border (Mid-coast area) from September 15 through May 31. South of Marblehead to Plymouth and around Provincetown (Mass. Bay area), pingers will be required from February 1 through May 31.

Because final NMFS regulations may have some changes from the way they were proposed, gillnetters should contact NMFS or DMF for an update. Also inquire about all other regulations affecting gillnetting and stay tuned for further news about additional action by the New England Fishery Management Council to further reduce catches of Gulf of Maine cod.

Photo by David Pierce

DISENTANGLEMENT II: Sequel

Right Whale #2212 gets re-entangled

In the last DMF News we described the exciting disentanglement of a six-year old northern right whale, #2212 of the New England Aquarium's Catalog. The Disentanglement Team led by Dr. Charles "Stormy" Mayo, freed the whale of lines wrapped tightly around its fluke, lines that were cutting into the whale for over a year. The Team was assisted by U.S. Coast Guard, DMF, MA Environmental Police and the Dennis Harbormaster. The whale was re-sighted weeks later in mid-August in the Bay of Fundy Canada, so we were optimistic about its chances for survival.

However, on Saturday September 12, the whale reappeared back in Cape Cod Bay and was seen in Provincetown Harbor with a single lobster pot buoy line in its mouth. The Disentanglement Team rushed to action to free the whale. The event was well covered by the media who were reporting and photographing a scheduled fundraising swimming event in the harbor.

But the story doesn't end there. Two days later the whale was re-sighted near Barnstable Harbor just a few miles from the site of July 24th's dramatic disentanglement. Entangled again, it was wrapped up in three lobster-pot strings and was anchored, unable to swim away. The Team freed the whale of the new lines, as well as a remnant from the Saturday entanglement. However, Stormy discovered additional lines in the mouth that appeared to be the same material cut off the fluke in July, likely from the original year-old entanglement first seen in the Bay of Fundy. He cut some of this line from the mouth but was unable to remove all of it since the line trailed down into the throat. Stormy believed this line increased the whale's risk of entanglement because it may have forced the whale to swim with its mouth open. This was an unprecedented and extraordinary entanglement event with three encounters with the rescue team in just two months!

Researchers will be on the lookout for the whale this upcoming winter when the Right Whale Surveillance and Monitoring Program begins. Last winter/spring the state's program contracted to the Center for Coastal Studies and New England Aquarium photographed 95 individual right whales, and at least 75 have been positively identified. However, #2212 was not one of them. Not surprising since #2212 had never ben seen off Massachusetts during the winter. Prior to the disentanglements, all previous sightings of #2212 off Massachusetts were made by whale watch naturalists during summer months.

Recently enacted regulations prohibiting close approaches (within 500 yards) to right whales reduced our chances of identifying this - or any other right whale. DMF has asked NMFS to consider changes to the regulation to allow whale watch vessels to better document sightings of this highly endangered whale. Symbolic of the entire North Atlantic Population of about 300, right whale #2212 remains at risk..

by Dan McKiernan

New Rules Require Traps to be Tagged

New regulations require all commercial pot fishermen who set gear in Massachusetts waters to attach "trap tags" by March 1, 1999. This rule will affect commercial lobster pot, conch pot and fish pot fishermen and includes pots set in federal waters by coastal lobstermen who also have federal lobster permits.

Current pot limit regulations allow coastal lobster fishermen to fish up to 800 pots in state waters, and fish pot (targeting sea bass, scup) fishermen may fish between 50 and 200 pots depending on the fishery they are licensed for. Commercial pot fishermen have been regulated by pot limits for many years, but there has been no practical way of enforcing those limits. The use of trap tags will enhance enforceability and fishermen's compliance.

DMF held several meetings with commercial potters to plan the tag program. Fishermen expressed many concerns including: ease of tag use, tag cost, replacement tags in the event of gear loss - including plans for a catastrophic gear loss such as a hurricane or similar storm event. (Recall the no-name storm of October 1991). These and other issues were addressed through the regulatory process.

A single vendor was selected through a competitive bid process to manufacture and distribute official trap tags for the upcoming season. The selected vendor will be able to provide fishermen with tags they need with a rapid turn-around time, and at a low price (16 cents/tag). Security measures were established to ensure the program's integrity.

The tag type that has been selected for use this year is commonly referred to as a "plastic truck seal". These are single-use tags that will be attached to the bridge or central cross member of the trap. (See photo.) The only way to remove a tag once it has been attached to a trap is to destroy the tag by cutting it off. Each tag is embossed with the name of the fishery it is valid for, the calendar year, the commercial permit number of the fisherman, and a unique consecutive number used for traceability. The color of the tag will change each year. This is the same type of tag that has been successfully used in a similar trap tag program in Maine's lobster fishery.

DMF has already notified commercial potters regarding the number and type of tags they may purchase. Each fisherman may purchase tags up to the maximum number of pots they may set, plus an additional 10% overage to cover gear loss. If a fisherman needs additional tags due to gear loss, replacement tags will be issued by DMF with the approval of the Division of Environmental Law Enforcement and according to established procedures. In the event of catastrophic gear loss due to a storm, the Director and the Marine Fisheries Commission could temporarily suspend tagging requirements through emergency regulations.

Photo by Dan McKiernan

DMF Biologist Rob Johnston displaying the new "truck seal" trap tag attached to the trap's cross-member. All lobster, fish, and conch traps must be tagged next year, and beginning in the year 2000, recreational lobster traps must be tagged as well.

Recreational lobstermen are exempted from these rules in 1999 but will be required to use tags by March 1, 2000. For 1999, DMF is proposing recreational lobstermen add the prefix "N" to their buoy and trap marking to identify those traps and "non-commercial." See Rules Update.

The trap tag program may need to be expanded in future years to include offshore lobster pot fishermen who fish out of Massachusetts ports. This will not be decided until the Lobster Management Plan is adopted in 1999. For more information contact Assistant Director Jim Fair or Kevin Creighton at DMF's Boston office.

by Kevin Creighton

Statistics from Massachusetts Pot Fisheries, 1996

Fishery	# Licences	# Fished	Pots allowed	Potential Pots	Total Pots Reported
Coastal Lobster	1,598	1,179	800	1,278,400	453,512
Offshore Lobster	551	400	No Limits	?	38,252
Student lobster	65	40	25	1,625	801
Sea Bass Pot	69	47	200	13,800	3,919
Scup Pot	170	106	50	8500	5,000
Conch Pot	160	95	200	32,000	9,856
Recreational Lobster Pot	7,400	4,799	10	74,000	28,000

A Poor Prognosis for the 1999 Northern Shrimp Season

The recent Gulf of Maine northern shrimp stock assessment revealed abundance is very low and a stock collapse is likely if fishing mortality remains high. The Northern Shrimp Technical Committee scientists from Massachusetts, New Hampshire, Maine, Atlantic States Marine Fisheries Commission (ASMFC), and the National Marine Fisheries Service, based this assessment on landings and effort data, indices of abundance from several research surveys, and results of two analytical fishery models.

Surveys showed a scarcity of large females in the population, the result of weak 1994 and 1995 year-classes and high exploitation. Both models indicated that biomass has declined close to the 1978 level. The stock was considered "collapsed" in 1978. In addition, low spawning stock biomass and warm spring surface water temperatures make a large year-class highly unlikely.

For these reasons, the Technical Committee recommended that 1999 shrimp landings be about 3.3 million lbs. down substantially from the 8.8 million lbs. landed in the 1998 season. This level of landings will halt biomass decline and possibly allow for some stock rebuilding. Further, the Committee recommended this level of landings could best be accomplished by a fishing season of about 40 days in February and March. The season's timing was set to spare egg-bearing females in December and January and small males in April and May.

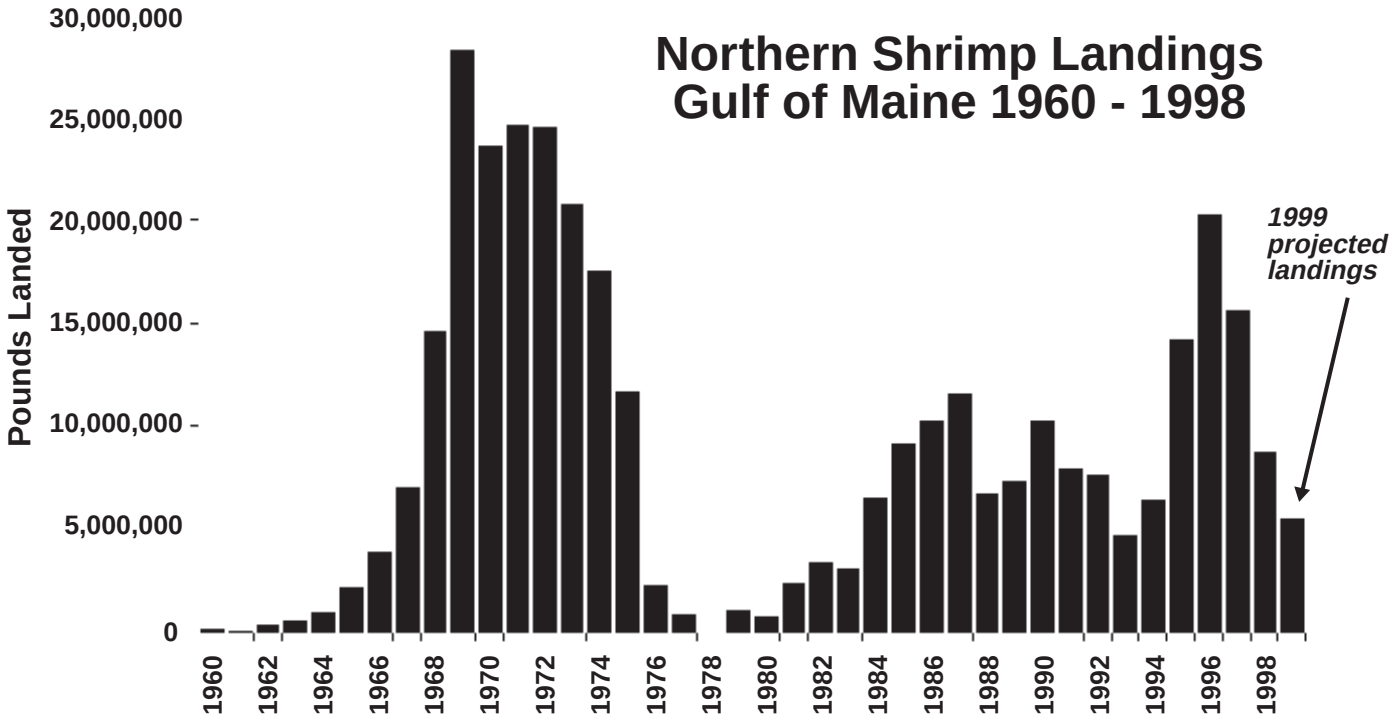
ASMFC's Northern Shrimp Section met on November 4 in Portland, Maine to weigh advice of the Technical Committee and the Shrimp Industry Advisors Committee. The 40-day Technical Committee advice was in sharp contrast to the 105-day season recommended by advisors who felt market forces would keep ex-vessel price low for northern shrimp this winter. In addition, they noted some vessels that normally participate in the shrimp fishery saved groundfish days for use during winter and early spring in anticipation of a poor shrimp season. As a result, advisors reasoned the fleet as a whole will be smaller and will land many fewer pounds of shrimp per day as compared to last season. However, the Technical Committee estimated a season of 105 days would yield about 6.8 million lbs., an amount far greater than they recommended.

After much discussion, George LaPointe, the new Commissioner of the Maine Department of Marine Resources, made a motion for a 90-day season, spread from December through May with all weekends off. This motion was contested by DMF's Director, Philip Coates, who expressed concern that a 90-day season conflicted with Technical Committee advice, could allow too much landings, and, consequently, continue the decline of the stock. Despite this objection, the motion passed on a 2 (Maine & N.H.) -1 (Mass.) vote. Therefore, the 1999 northern shrimp season will be: Dec 15-23, Jan 4-26, Feb 1-23, Mar 1-16, Apr 1-28, May 3-25, with all weekends closed. The Northern Shrimp Technical Committee projects that this season will result in landings of about 5.5 million lbs. At this level of landings, fishing mortality will remain high, and the decline in stock biomass will continue.

Some members of the fishing industry feel that this is an overly pessimistic outlook given the uncertainty inherent in biomass estimates from the models. Still, there is agreement in the scientific community that this assessment is because the data for this species are more accurate and complete than for most species, and models fit these data well.

At this point, the short-term future of the New England northern shrimp fishery depends on lowering fishing mortality. A reduction in fishing mortality is unlikely under the approved 1999 season. The future of the northern shrimp fishery remains uncertain.

by Michael Armstrong, Ph. D.



SCUP UPDATE:

ASMFC RULES MASSACHUSETTS OUT OF COMPLIANCE

Another episode in the drama of scup management occurred at the 57th annual ASMFC meeting held at Jekyll Island, Georgia, from October 19-22. The ASMFC Policy Board ruled Massachusetts out of compliance with the Scup Fishery Management Plan. The full Commission supported that ruling with only one vote in opposition, that of DMF Director, Philip Coates.

Although the vote was expected, the unanimous support for "non-compliance" was somewhat surprising especially since DMF had carefully explained beforehand and during the meeting our reasons for not closing our scup commercial fishery in 1997 after the ASMFC-imposed Massachusetts May-October 362,000 lbs. quota had been caught. Not one state lent its support to Massachusetts. Why not? First, a review of the acts of this ongoing drama.

(1) Massachusetts consistently has been the only opponent of the ASMFC Scup FMP, developed in cooperation with the Mid-Atlantic Fishery Management Council;

(2) In 1997 the Commonwealth filed a lawsuit against the Secretary of Commerce and the National Marine Fisheries Service (NMFS). We had to resort to a lawsuit as our alternative of last resort; otherwise, our 1997 fishery would have been very short-lived due to the unfair and inequitable 362,000 lbs. quota based on inaccurate and very incomplete Massachusetts landings records from 1983-1992 (quota-setting years). We did not sue ASMFC because we felt our state colleagues would understand our arguments, unlike the Council, and perhaps amend the plan to avoid internal conflict.

(3) In April 1998 Chief U.S. District Judge Joseph Tauro decided in favor of Massachusetts, a decision that voided state-by-state allocations for the summer period (May-Oct), and he ordered the Secretary of Commerce to promulgate a regulation with state allocations in compliance with National Standard 4 (equity and fairness) of the Sustainable Fisheries Act;

(4) Feeling that it wasn't legally constrained by Judge Tauro's decision, the ASMFC Scup Management Board ruled Mass. out of compliance and forwarded its recommendation to the ASMFC Policy Board consisting of all states from Florida to Maine and not just the states with a declared interest in scup;

(5) The Secretary of Commerce has appealed Judge Tauro's decision;

(6) Mid-Atlantic Council still fails to act to deal with the horrendous problem of scup discard especially offshore in small-mesh fisheries targeting species such as squid. Apart from the summary of Massachusetts' perspective provided by DMF, there was no Policy Board discussion on the merits of our arguments. The focus was on "process" and "rules." Championing a non-compliance ruling, R.I.'s Director David Borden, who will be the new chairman of ASMFC for the next two years, emphasized that all states must work within the established process for making and enforcing ASMFC decisions. South Carolina's Paul Sandifer, ASMFC chairman expressed a similar view.

With these comments ringing in their ears, Policy Board members voted Massachusetts out of compliance and requested the Secretary of Commerce to implement a moratorium on scup fishing in Massachusetts. The non-compliance ruling is a message addressed to all states and fishing industries impacted by ASMFC decisions, and that message is that lawsuits are contrary to the ASMFC process and can tear the fabric of cooperative, partnership management that is the cornerstone of ASMFC.

Now we await to see what NMFS will recommend to the Secretary of Commerce. An important consideration will be Massachusetts' impact on scup conservation efforts. There wasn't any. The quotas set for conservation and rebuilding were not exceeded either in 1997 or this year.

by David Pierce, Ph. D.

Some of the small-boat fleet that targets scup in Buzzards Bay and Vineyard and Nantucket Sounds. In recent years, hook and line commercial fisheries account for about two-thirds of the state's inshore scup landings.

From the Director:

It's Time to Re-establish Striped Bass Angling in Federal Waters

Several Massachusetts-based organizations have raised concern about recent proposals to establish fisheries for striped bass in the federal waters, known as the Exclusive Economic Zone (EEZ). I want to make it clear that the Division is not proposing nor encouraging the development of new fisheries in the EEZ for striped bass. We are, however, trying to provide for the reestablishment of those traditional fisheries where they previously existed.

Current state regulations in place to control landings, the restricted nature of states' commercial fishing regulations, as well as the current freeze on quotas under Addendum 3 of the striped bass plan, add up to little potential for any new commercial fisheries to develop, particularly if a state does not want such a fishery. Any such landing from the EEZ would have to come out of a state's existing commercial quota. New quotas are not going to be established to accommodate fish coming from the EEZ.

In reality, the primary beneficiaries from any opening of the EEZ will be recreational fishermen from only a few states where abutting federal waters hold striped bass. Since most of the other states appear not to be interested in accessing their EEZ waters, I would ask for public support to continue to pursue a unilateral agreement that would allow Massachusetts' fishermen to return to traditional grounds and legally harvest and possess striped bass in limited areas of the EEZ. These are areas adjacent to Massachusetts' waters that have been renowned striped bass fishing grounds for generations, such as Nantucket Shoals and Stellwagen Bank. Any fishery I would consider supporting for these areas would be by rod-and-reel only, and size limits and possession limits would have to conform to our state laws.

By way of recent history, the EEZ closure was proposed during the mid-1980's recovery period for striped bass by the National Marine Fisheries Service (NMFS), but it was not implemented until 1990 after the resource had already shown positive signs of recovery. At that time, NMFS felt that the states might not have the ability to control landings from EEZ waters.

Following a poll of the states, however, only Maryland did not have the necessary rules in place to control landings from federal waters. Ironically, they did enact the necessary controls just about the time the federal EEZ rule was implemented. I strongly opposed enactment of this federal rule, arguing that it was unnecessary and once implemented would be difficult to remove.

I felt then and now that we are dealing with a non-problem. If a state wants to control landings from the EEZ, it has the authority to do so through landing restrictions. Massachusetts has a statutory restriction which only allows striped bass to be harvested by hook and line. We also have a rule that prevents any vessel rigged for netting or long-lining from possessing or landing any striped bass regardless of where they were harvested, whether during the commercial season or the rest of the year.

The EEZ closure was not implemented to control harvest rates. Since striped bass is an anadromous fish with extensive distribution in near-shore waters, a closure outside of three miles is not an efficient management tool for this resource, plus such closures are difficult and costly to enforce. Effective tools for managing striped bass harvest rates are well defined as daily possession limits, fishing seasons, and quotas.

Some people have expressed concern about increased overall bass harvest if the EEZ opens up. While the grass may be perceived to be greener in the EEZ, I would first note that those fishing in the EEZ would not be fishing simultaneously inshore so some of the congestion at inshore hot spots might be alleviated. Secondly, recreational harvest of striped bass is increasing and will likely continue to increase because of increased participation, high abundance of striped bass, and greater angling success, not because of EEZ access.

I understand some fishermen, particularly those that fish from shore, are concerned that EEZ fishermen may be able to take larger bass. The primary beneficiaries of EEZ fishing will be those traditional (and doubtless some new) anglers and charter boats that fish the fall migration, working on those fish that have made their way down the back shore of the Cape and are now moving offshore. Big bass are certainly not the primary domain of the boater and offshore fishermen; that's part of their allure.

I hope anglers understand that we are committed to the conservation of marine resources under the Division's jurisdiction. We also feel that Massachusetts' fishermen have a right to harvest striped bass from the EEZ. The striped bass resource has reached recovered status, and Massachusetts' fishermen should be able to harvest from their traditional grounds within the more conservative constraints of modern management.

To that end, I will continue to endorse management alternatives that will ensure the health of the fish stocks and equitable access. This can only lead to more sustainable commercial and recreational fishing in the Commonwealth.

by Philip G. Coates

Coming Soon: 1999 Saltwater Sport Fishing Guide

We're busy working on next year's Guide, so now's the time to contribute your favorite fishing photos. Each year the guide strives to present the public with current information about fish, fishing, where to fish, buy tackle, or hire a charter. Tackle shop owners and party/charter operators should contact us to ensure their business information is current. If you have any comments on last year's guide or some great fishing pictures, write to Karen Rypka, DMF, 50A Portside Drive, Pocasset, MA 02559.

Above: Chart depicting Mass. coastline and waters under the jurisdiction of the Commonwealth. Federal waters (EEZ) are those beyond the territorial seas line, while state waters are those shoreward of the line. However, Nantucket Sound is considered state waters for fisheries management purposes under a 1983 federal law.

Division of Marine Fisheries

Rules UPDATE

Public Hearings • Regulations • Legislation Volume 8 Number 2

Notice of Public Hearings
Scheduled for December 15 and 17, 1998

Under the provisions of M.G.L. C. 30A and pursuant to the authority found in M.G.L. c 130 ss. 17A, 17(10), 80, 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 specific proposals and details.

The following items are proposed regulation changes for the upcoming fishing seasons and are presented for public comment. After public hearings, the Commission and DMF will consider all oral and written comments through December 31, and votes on these proposals will be taken at the January 7 business meeting of the Commission. If no changes are approved, current regulations will remain in effect.

(1) DMF proposes new lobster regulations (322 CMR 6.00) to support the upcoming Atlantic States Marine Fisheries Commission interstate management plan.

The following (A, B, C, and D) would apply to both commercial and recreational lobstermen throughout Massachusetts:

A) Increase escape vent height from the current 1 7/8" to 1 15/16" (or a circular vent of 2 7/16"). Note the current mandated width of the vent is 6" and this would be lowered to 5 3/4" as well. This is a manufacturers' request and would not change lobster escapement.

B) Prohibit the harvest or possession of v-notch female lobster.

C) Prohibit the use of lobster traps in Massachusetts larger than a maximum volume of 22,000 cubic inches

(D) For non-commercial lobstermen, amend the gear marking requirements to require the letter "N" to precede the 4-digit permit number to the marking of lobster buoys, traps, flags, cars and boats as required by M.G.L. s 38 and 322 CMR 3.07. This rule would facilitate the enforcement of recently adopted trap tag requirements.

(E) Require fishermen to choose which ASMFC approved lobster management zone(s) they intend to fish, and define the zones' coordinates. DMF seeks comments regarding whether - and how often - fishermen may change their declaration of fishing zones in-season.

(F) Establish zone-specific regulations where applicable under the ASMFC plan. A maximum size limit (5" carapace length) is proposed for lobster taken in Area 1 (Inshore Gulf of Maine - excluding Outer Cape Cod) or by lobstermen who choose to designate Area 1 as one of their fishing areas.

(2) DMF proposal to amend Northern Right Whale Regulations (322 CMR 12.00) to require commercial and non-commercial lobstermen to comply with certain aspects of the large Whale Take Reduction Plan.

The following is proposed:

(A) For commercial and non-commercial fishermen, a statewide prohibition on gear deployment that results in line floating at the surface of the water.

(B) For non-commercial lobstermen, requirements to comply with certain aspects of the large Whale Take Reduction Plan. Non-commercial fishermen would be required to rig their gear with at least one feature of the official Federal Lobster Technology List. However, in Cape Cod Bay Critical Habitat during May 16- December 3, non-commercial fishermen would be required to rig their gear with at least two features.

All buoy lines are 7/16" diameter or less;

All buoy lines attached to the buoy with a weak link of 1100 lbs. breaking strength;

All buoy lines composed entirely of sinking line;

Ground lines (between traps in a trawl)made of sinking lines.

(Note: federal regulations already require state-licensed commercial lobstermen to comply with the above requirements.)

(3) DMF proposal to amend Scup and Black Sea Bass commercial fishery possession limits (322 CMR 6.28) to allow the Director to administratively modify possession limits with Marine Fishery Commission approval, consistent with annual quotas changes adopted by the Mid-Atlantic Council and the Atlantic States Marine Fisheries Commission.

(4) DMF proposal to adopt spring-time seasonal area groundfish closures to complement federal management closures in Massachusetts Bay and Cape Cod Bay (322 CMR 8.00).

(5) DMF proposal to repeal certain gillnet closures (322 CMR 4.08) in Massachusetts Bay and north of Cape Ann previously enacted to protect harbor porpoise. New federal harbor porpoise protection measures apply to all fishermen including state permit holders, thus negating the need for redundant state regulations. Repealing these state regulations will not impact fish or harbor porpoise conservation goals since these activities are federally regulated.

(**6) DMF seeks comments on a recent emergency action** (322 CMR 6.03) effective October 10 to limit the landing or possession of cod in the Gulf of Maine to 400 lbs. This regulation was enacted to complement similar federal restrictions.

(7) DMF seeks comments on a recent emergency action to enact the 1998-99 northern shrimp season regulations (322 CMR 5.00). These regulation were approved at the November 4 Northern Shrimp Section Meeting, but the schedule did not allow for proper notification. New regulations include no-fishing days for trawlers on weekends and a shortening of the season from 105 to 90 days. The open fishing periods will be: Dec. 15-23, Jan. 4-26, Feb. 1-23, March 1-16, April 1-28, and May 3-25. See related article in DMF News.

(8) DMF proposal to enact a 6-fish possession limit for American Shad to complement Massachusetts' freshwater regulations enacted by the Division of Fisheries & Wildlife and to comply with ASMFC approved conservation measures.

Two hearings have been scheduled:
Tuesday December 15, 1998 at the Massachusetts Maritime Academy Auditorium at 6 PM, and
Thursday December 17, 1998 at the Fuller School Auditorium in Gloucester at 6 PM.

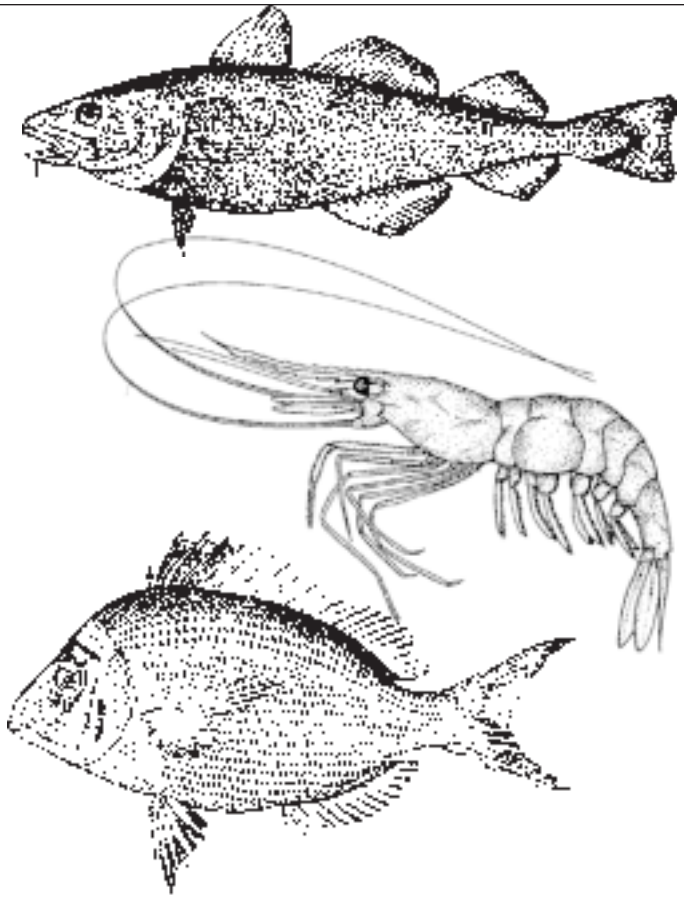
Regulatory UPDATE

During the period August through October, the following actions were taken by DMF and the Massachusetts Marine Fisheries Commission:

Only two regulations were amended during this time period and were filed under the Director's emergency authority:

Cod Trip Limit Lowered: For Gulf of Maine fishermen cod trip limit was lowered from 1,000 to 400 lbs. effective October 10. This regulation was enacted to complement similar federal restrictions. This issue will be aired at the December 15 & 17 public hearings.

Scup Closure: Scup commercial fishery closed for 11 days, October 20-31. DMF took this unilateral action to prevent overages of the regional quota. On November 1 the fishery re-opened with a landing/possesion limit of 12,000 pounds. November 1 was the beginning of the Mid-Atlantic Fishery Management Council/Atlantic States Marine Fisheries Commission Scup Plan's second winter period when all states' fishermen compete for a coastwide November through December quota with a landing limit of 12,000 pounds. Massachusetts' scup commercial fishery is primarily in state waters south of Cape Cod from May through October.



INSIDE...

Surfers ■ Surfers ■ Surfers

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

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DMF NEWS

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DMF receives state and federal funds to conduct research, management and development of the Commonwealth's marine fishery resources. Information in this publication is available in alternative formats.

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Comments and suggestions for the newsletter are welcome. Please contact the Editors at (617) 727-3193, or write to DMF, 100 Cambridge St., Boston, MA 02202.

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