



The Commonwealth of Massachusetts

Division of Marine Fisheries

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MEMORANDUM

TO: Marine Fisheries Advisory Commission (MFAC)

FROM: Daniel J. McKiernan, Director

DATE: February 12, 2021

SUBJECT: Conditional April Groundfish Closure

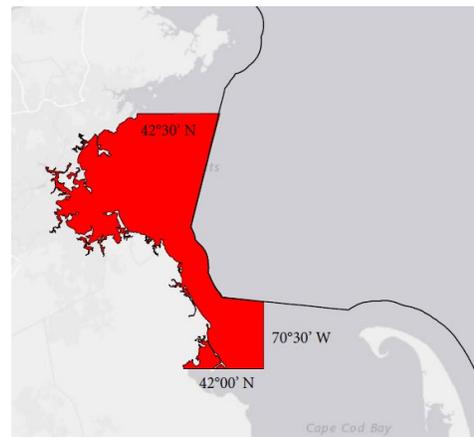
Consistent with the procedure and authority set forth in regulation [322 CMR 6.42(2)(d) and 322 CMR 8.05(2)], I intend to move forward with the process necessary to lift the April conditional groundfish closure in Massachusetts Bay between Plymouth and Marblehead (Figure 1).

Background

DMF regulations at 322 CMR 8.05¹ establish an April conditional groundfish closure within those state waters between Plymouth (42°00'N) and Marblehead (42°30'N) west of 70° 30' (1). As this closure occurs at the end of the federal fishing year (May 1 – April 30), it effectively serves as a fail-safe to constrain the state waters only (“SW”) fishery should it outperform the federally allocated sub-components for groundfish stocks for the federal fishing year (and in turn potentially trigger accountability measures for the federal fishery).

Accordingly, staff annually review the performance of the GE fishery in the current fishing year relative to the federal sub-components and the Director may then annually lift this closure if the data demonstrate the closure is not necessary to meet these objectives. As the April closure is within the Gulf of Maine (GOM) and the GE fishery occurs almost exclusively within the GOM, the focus of the analysis is on GOM groundfish stocks.

Fig. 1 – April Groundfish Closure



FY2020 Analysis

It should be no surprise that our initial analysis demonstrates the April groundfish closure may be lifted for FY2020. Landings this fishing year are well below the federally allocated sub-components (Table 1). I suspect this is largely attributable to the COVID-19 pandemic. The

¹ 322 CMR 8.05(2). “The Director may annually rescind this April closure...if, based on the Division’s review of relevant data, it determines that rescinding this closure will not result in an exceedance of the annual federally allocated state-waters sub-components for regulated groundfish stocks during the federal fishing year of May 1 through April 30 or federal conservation measures are not compromised.

pandemic has negatively impacted the performance of most of our commercial fisheries, as altered demand for seafood and personal health concerns have affected fishing effort. This is apparent in our GE fishery where effort is down compared to recent years in terms number of total trips.

Proposed Action

Based on the discretion afforded to me in the implementing regulation, I am proposing to use my declaratory authority to lift the April groundfish closure. The next steps will be to accept public comment on the action and then return to the MFAC for a final vote. Written public comment will be accepted between February 19 – March 5. I will then provide the MFAC with a final recommendation to vote on at their March 18 business meeting.

If approved, this will allow commercial groundfish (e.g., trawls, gillnets, hook and line) fishing to occur inside the April closure area. However, overarching protected species, mobile gear, and spawning closures will continue to restrict certain activities within these waters.

- Gillnet fishing is prohibited in April (and through May 15) south of Scituate Harbor (42°12'N) due to the spatial extension of the overarching seasonal gillnet closure to protect right whales in Cape Cod Bay.
- Mobile gear fishing is restricted in all Inshore Net Areas and seasonally restricted within waters of mobile gear Area 1 (North Shore) and 2 (Greater Boston Harbor).
- All commercial groundfish fishing is prohibited within the inshore winter flounder spawning closures.

Table 1. Estimates of SW Landings and State-waters sub-component utilization for select groundfish stocks during FY2019-FY2020.

Groundfish Stock	FY2020			FY2019		
	State Waters Sub-Component (lbs)	Preliminary SAFIS Dealer Landings for SW fishermen (lbs)	% Utilization	State Waters Sub-component (lbs)	State Estimates of SW Landings (lbs)	% SW Utilization
American Plaice	70,548	4,564	6%	70,548	14,110	20%
GOM Cod	105,822	29,917	28%	103,617	62,391	60%
GOM Haddock	143,300	87,986	61%	200,621	325,843	162%
GOM Winter Flounder	306,443	82,343	27%	147,710	147,710	100%
GOM Yellowtail Flounder	127,868	66,822	52%	112,436	93,256	83%
Pollock	2,420,676	683	0%	886,258	1,543	0%
Redfish	132,277	88	0%	2601,145	8,598	3%
SNE/MA Winter Flounder	79,366	*	<1%	160,937	1,543	1%
White Hake	24,250	198	1%	63,934	220	0%
Witch Flounder	97,003	38,691	40%	88,185	42,770	49%

Data Source: NMFS VTRs, MA trip-level reports, MA permitting database, https://www.greateratlantic.fisheries.noaa.gov/ro/fso/reports/h/groundfish_catch_accounting, compiled February 2020.