



**MARINE FISHERIES ADVISORY COMMISSION  
BUSINESS MEETING AGENDA**

**9AM**

**April 23, 2024**

**Via Zoom**

[Login Link](#)

**Call-In: 1-929-436-2866**

**Webinar ID: 849 9408 0133**

**Passcode: 430296**

1. Call to Order and Routine Business (9:00 - 9:15)
  - a. Introductions and Announcements
  - b. Review of April 2024 Business Meeting Agenda
  - c. Review and Approval of March 2024 Draft Business Meeting Minutes
2. Comments (9:15 – 9:45)
  - a. Chairman
  - b. Law Enforcement
  - c. Commissioner
  - d. Director
3. Action Items (9:45 – 10:45)
  - a. Lobster Gauge, V-Notch, Trap Tag, and Escape Vent Rules
  - b. Use of “MA Lobster” Tracer Rope
  - c. Housekeeping
4. Discussion Items and Program Updates (10:45 – 11:30)
  - a. Federal Fisheries Management
  - b. Protected Species
  - c. Boston Harbor Menhaden Meeting
  - d. 2023 Fishery Performance Review
5. Other Business (11:30 – 11:45)
  - a. Commission Member Comments
  - b. Public Comment
6. Adjourn (11:45)

All times provided are approximate and the meeting agenda is subject to change. The MFAC may amend the agenda at the start of the business meeting.

**Future Meeting Dates**

10AM  
May 21, 2024  
SMAST East  
New Bedford

10AM  
June 18, 2024  
TBD

## **MARINE FISHERIES ADVISORY COMMISSION**

**Tuesday, March 19, 2024**

**Via Zoom**

### **In attendance:**

*Marine Fisheries Advisory Commission:* Raymond Kane, Chairman; Michael Pierdinock, Vice-Chairman; Kalil Boghdan; Shelley Edmundson; Bill Amaru; Arthur “Sooky” Sawyer; Chris McGuire; Bill Doyle; and Tim Brady (arrived late)

*Department of Fish and Game:* Commissioner Tom O’Shea and Julia Hopkins

*Division of Marine Fisheries:* Daniel McKiernan, Director; Mike Armstrong, Deputy Director; Bob Glenn, Deputy Director; Kevin Creighton, Assistant Director; Story Reed, Assistant Director; Jared Silva; Julia Kaplan; Ben Gahagan; Anna Webb; Alex Boeri; Tracy Pugh; Derek Perry; Steve Wilcox; Melanie Griffin; Nichola Meserve; Stephanie Cunningham; Scott Schaffer; Gabe Lundgren; Kerry Allard; Nick Buchan; and Laura Tomlinson.

*Massachusetts Environmental Police:* Lt. Matt Bass

*Members of the Public:* Erin Douglas, Sharl Heller, Jamie Bassett, Beth Casoni, Susan Cayleff, Nora Blair, Bill Sargent, Paul Ward, John Donahue, Helen Mangelsdorf, Heidi Ricci, Michael A, Maureen Ward, Liana DiNunzio, Heather Haggerty, Allie Myers, Susan Linder, Gordon Starr, Will Rhatigan, Kathryn Holmes, Emerson Hasbrouck, Heather Packard, Jen H, Matt Penella, Sarah OToole, Brooke Eaton-Skea, Shirley C, Joe Weinberg, Gary Kreamer, John Moran, Rep. Joan Meschino, Drew Bouley, Greg Power, Phil Coates, Sarah Blick, Elaine Abrams, Erik Christiansen, Chris Koehler, Julianna Denum, Betty Zimmerberg, Lizzie Roche, Laura Gill, and Will Poston.

## **INTRODUCTIONS AND ANNOUNCEMENTS**

Chairman Ray Kane thanked everyone for their attendance and called the March 19, 2024 Marine Fisheries Advisory Commission (MFAC) business meeting to order.

## **REVIEW OF MARCH 19, 2024 BUSINESS MEETING AGENDA**

Chairman Kane asked if there were any amendments to the March 19, 2024 MFAC business meeting agenda. No amendments were proposed.

## **REVIEW AND APPROVAL OF FEBRUARY 13, 2024 DRAFT BUSINESS MEETING MINUTES**

Chairman Kane asked if there were any amendments to the February 13, 2024 draft business meeting minutes. No amendments were sought.

The Chairman then requested a motion be made to approve the minutes. **Sooky**

**Sawyer made the motion to approve the February 13, 2024 business meeting minutes. Shelley Edmundson seconded the motion. A roll call vote was taken and the motion passed unanimously 7-0-1 with Chairman Kane abstaining.**

### **CHAIRMAN'S COMMENTS**

Chairman Ray Kane welcomed everyone and thanked the MFAC for their continued attendance. He commended DMF staff for getting the meeting materials out early to allow for ample review prior to today's meeting.

### **LAW ENFORCEMENT**

Lt. Bass handled the comments for the Massachusetts Environmental Police (MEP). During the winter period, MEP's efforts were focused on removing fixed gear abandoned in the right whale closure. With regards to personnel, staffing is now up to 96 officers with four more in the academy. Colonel Sean Santos left MEP and Patrick Moran is serving as Acting Colonel while MEP moves to hire a new Colonel.

Sooky Sawyer noted some complaints from lobster trap fishers regarding trawlers off of Provincetown targeting lobsters and concerns that they may be high grading or not complying with state trip limits. Ray Kane and Lt. Bass discussed to what extent these trawlers are subject to vessel tracking requirements.

Kalil Boghdan and Lt. Bass discussed the recent awards provided to Ofc. Joe Gray.

### **COMMISSIONER'S COMMENTS**

Commissioner O'Shea highlighted his recent meeting with members of the Gloucester fishing community; DFG's the biodiversity workshop and strategic plan; and Seafood Expo North America.

### **DIRECTOR'S COMMENTS**

Director McKiernan began his comments by discussing shellfish related issues. First, he tackled the re-classification of certain shellfish growing areas in Buzzards Bay due to their proximity to the New Bedford and Fairhaven wastewater treatment plant outfalls. He then discussed the challenges related to potentially upgrading and reopening the Newburyport Shellfish Depuration Plant given the impacts of coastal erosion on the plant's infrastructure and declining fishery performance.

Dan then discussed issues related to the lobster fishery. A federal judge ruled in favor of the Massachusetts Lobstermen's Association (MLA) in their lawsuit to repeal the closure of the so-called "Massachusetts Restricted Area" wedge. Accordingly, the area remains open to trap gear and persistent buoy lines. As such, DMF intends to work with NOAA Law Enforcement and the Massachusetts Environmental Police to inspect gear for compliance with buoy line marking and modification requirements. Dan also reminded the MFAC that of MLA's Annual Weekend and Tradeshow on

March 22 and 23 in Hyannis. DMF would host a public hearing on March 22 at 8AM and this hearing would be focused on the state implementation of Addendum XXVII. Additionally, DMF would host its annual roundtable on March 23 at 1PM.

Sooky Sawyer was disappointed by a recent comment letter from DMF regarding the potential closure of the Everett Marine Terminal Liquefied Natural Gas (LNG) facility and the removal of the LNG pipeline. Sooky noted that this pipeline now provides substantial artificial habitat for the lobster resource. Dan noted that given the development of offshore wind energy infrastructure, DMF was sensitive to creating any precedent to allow such infrastructure to remain in the ocean after it is decommissioned.

## **ACTION ITEMS**

### Horseshoe Crab Management

Director Dan McKiernan provided three recommendations to the MFAC regarding horseshoe crab management:

1. Enact a prohibition on the harvest of horseshoe crabs from April 15 – June 7 annually to protect spawning crabs.
2. Establish a uniform bait fishery trip limit of 300 horseshoe crabs per calendar day for all limited entry horseshoe crab endorsement holders. The trip limit would then automatically increase to 400 crabs on August 1 if 50% or more of the quota remains available or automatically decrease to 200 crabs if 80% of the quota is taken before September 15.
3. Complement existing federal harvest prohibitions within the boundaries of the Cape Cod National Seashore and the Monomoy National Wildlife Refuge.

Director McKiernan then provided the Commission with the rationale for each of the recommendations and recognized how the recommendations may impact hand harvesters, bait markets, and biomedical firms.

Kalil Boghdan expressed concerns regarding continuing to allow the use of horseshoe crabs as bait in a whelk fishery that is declining. Dan agreed that catch and effort are declining in the whelk fishery and that these trends are likely to continue given the status of the whelk resource locally. In 2023, DMF decreased the bait quota to better reflect local bait needs. Should bait demand continue to decrease, he would be open to moving bait quota over to the biomedical fishery.

Chris McGuire stated he strongly supported the recommended in-season, adaptive adjustments to the trip limits and encouraged DMF to continue to apply this strategy to other fisheries.

Chairman Kane sought a motion to approve DMF's recommendation to prohibit all harvest of horseshoe crabs from April 15 – June 7 annually to protect spawning. **Bill Doyle made a motion to approve the recommendation. Chris McGuire seconded the motion. The motion was passed 5-1-2, with Sooky Sawyer voting against, Chairman Kane and**

## **Bill Amaru abstaining.**

Chairman Kane sought a motion to approve DMF's recommendation to establish a uniform bait fishery trip limit of 300 horseshoe crabs per calendar day for all limited entry horseshoe crab endorsement holders. The trip limit would then automatically increase to 400 crabs on August 1 if 50% or more of the quota remains available or automatically decrease to 200 crabs if 80% of the quota is taken before September 15. **Bill Doyle made a motion to approve the recommendation. Shelley Edmundson seconded the motion. The motion was passed unanimously 6-0-2, with Chairman Kane and Bill Amaru abstaining.**

Chairman Kane sought a motion to approve DMF's recommendation to complement existing federal harvest prohibitions within the boundaries of the Cape Cod National Seashore and the Monomoy National Wildlife Refuge. **Chris McGuire made a motion to approve the recommendation. Shelley Edmundson seconded the motion. The motion was passed unanimously 6-0-2, with Chairman Kane and Bill Amaru abstaining.**

Chairman Kane asked if there are any alternative fisheries that the hand harvesters could move into. Dan McKiernan mentioned the green crab fishery or shellfishing but noted potential issues with market for green crabs. Ray Kane proposed DMF and DFG support a bounty program for green crabs on Cape Cod, similar to what is accommodated on the North Shore. Dan stated that this idea was being investigated. Bob Glenn then described the existing bounty program. Several North Shore towns receive state funds to pay harvesters a bounty to harvest green crabs and the harvesters may also sell these crabs to market. This dual-payment approach creates a financial incentive to harvest the crabs, as there is not sufficient market demand.

Bill Amaru stated that the impact from green crabs to softshell clam beds is significant. He advocated for the expansion of a bounty program and he hopes that green crab can potentially take the place of the horseshoe crabs as bait in the whelk fishery.

Dan McKiernan asked Story Reed to speak regarding several seafood marketing programs implemented to promote green crabs. Story Reed discussed several grants that have been provided through the seafood marketing program and noted he could present on this in the future.

### Commercial Striped Bass Fishing Days and Primary Purchase Requirements

Given the early closure of the commercial striped bass fishery in 2023 and the pending 7% reduction in the state's quota for 2023, Director McKiernan made several recommendations to the MFAC to adjust the rules affecting the commercial striped bass fishery:

1. Reduce the number of fishing days from three days per week to two days per week to start the season by eliminating Monday as an open fishing day and retaining Tuesday and Wednesday.
2. Automatically add Thursday as an open fishing day on August 1 provided at least

- 30% or more of the quota remains available.
3. Require that both commercial fishers and primary buyers be present at the primary purchase transaction.
  4. Require that primary buyers tag fish upon taking possession at primary purchase.

Kalil Boghdan and Jared Silva discussed how DMF's recommendation intended to constrain the practice of front loading. It was DMF's understanding that a Monday open fishing day likely encourages the front loading by allowing fish to be aggregated over the weekend for sale on Monday morning. By moving the first open fishing day further away from the weekend, the practice may be diminished as the quality of fish held over the weekend will be diminished and the opportunity to front load on a Monday may be reduced given some participants may have weekday jobs.

Chairman Kane sought clarification on whether the open fishing day would run from midnight to midnight. Jared Silva stated that the open fishing days would run from midnight to midnight without any additional landing and handling window.

Chairman Kane asked if DMF wanted to vote on each of DMF's recommendations individually or in aggregate. Director McKiernan supported the MFAC voting on the recommendations as a single package.

Chairman Kane sought a motion. **Bill Doyle made a motion to approve DMF's recommendations as provided. Mike Pierdinock seconded the motion. The motion was passed unanimously 7-0-1, with Chairman Kane abstaining.**

#### Commercial Menhaden Season and Automatic Trip Limit Adjustments

Nichola Meserve presented DMF's recommendations to adjust the commercial menhaden seasons and trip limits. These recommendations include:

1. Replacing the June 15 start date for the purse seine fishery with a May 15 start date;
2. Add a conditional date of September 1 to the 50% quota use trigger, such that if 50% quota use does not occur until September 1 or later, the limited entry trip limit will remain 120,000 pounds through 90% quota use (then drop to 25,000 pounds through 100% quota use); and clarify that Friday remains closed to purse seining as long as the 120,000-pound limit remains in effect;
3. Add a conditional date of October 15, such that if at least 10% quota remains at that time, the limited entry trip limit increases to 360,000 pounds, with a requirement for vessels to notify the Division at least 48-hours in advance of landing.

Mike Pierdinock stated his support for these recommendations. He added that he was looking forward to DMF's meeting with the seiners and the Boston Harbor charter boat fleet to address user group conflicts.

Kalil Boghdan asked about participation in the commercial menhaden fishery. Nichola Meserve and Jared Silva explained the tiered permitting system and there were fewer

than ten active boats that are permitted to participate in the limited entry fishery inside the harbors and embayments (“inshore net areas”).

Sooky Sawyer and Jared Silva discussed the trip limits and trip limit triggers that exist should the quota be used.

Chairman Kane sought a motion. **Sooky Sawyer made a motion to approve the recommendations as provided. Kalil Boghdan seconded the motion. The motion was passed unanimously 7-0-1, with Chairman Kane abstaining.**

#### Commercial Summer Flounder Trip Limits

Jared Silva provided a background regarding recommendations for the commercial summer flounder trip limits. DMF was recommending the MFAC vote in favor of the following:

1. For the Period I fishery (January 1–April 22), reduce the trip limit from 10,000 pounds to 5,000 pounds.
2. For the Period II summertime fishery (April 23–September 30), adopt a quota use trigger that would reduce the trip limit to 400 pounds for net gear and 250 pounds for hook gear if 75% of the quota is taken before August 1.
3. For the Period II fall fishery (October 1–December 31), change the quota use trigger from 5% to 10% quota remaining and reduce the trip limit from 10,000 pounds to 5,000 pounds should at least 10% of the quota remain on October 1.

Jared added that DMF will also renew the consecutive Daily Trip Limit Program, which does not require a MFAC vote.

Kalil Boghdan asked how accurate the current stock assessment is and how it came to be. Nichola Meserve explained that these recommendations respond to the 2023 stock assessment. This stock assessment demonstrated that while the stock was not overfished, overfishing was occurring despite recent catch limit underages. This was due to the prior assessment overestimating abundance, in large part due to the promising 2018-year class being smaller than initially assessed. The stock is assessed every two years with the next assessment occurring in 2025.

Chairman Kane sought a motion. **Bill Amaru made a motion to approve the recommendations as provided. Shelley Edmundson seconded the motion. The motion was passed unanimously 7-0-1, with Chairman Kane abstaining.**

#### Adjustment to May Commercial Groundfish Closure

Jared Silva reviewed DMF’s recommendation regarding the May commercial groundfish closure. This recommendation would move the southern boundary of the closure north from 42° 20’ north latitude (Boston Harbor) to 42° 25’ north latitude (Nahant) resulting in a May commercial closure from 42° 25’ north latitude (Nahant) north to the Massachusetts/New Hampshire maritime border.

Chairman Kane sought a motion. **Sooky Sawyer made a motion to approve the**

**recommendation as provided. Bill Amaru seconded the motion. The motion was passed unanimously 7-0-1, with Chairman Kane abstaining.**

#### Commercial Mackerel Trip Limit for State Waters

Jared Silva reviewed DMF's recommendation regarding the commercial mackerel trip limits for state waters. This recommendation would establish a commercial state waters trip limit for Atlantic mackerel of 5,000 pounds until 80% of the fishing quota is taken that is then reduced to 2,500 pounds for the remainder of the fishing year. Like existing sea scallop and groundfish rules, this would apply to all state permit holders as well as federal permit holders when fishing in state waters. Exempt from this trip limit would be weir fishers who infrequently encounter large quantities of Atlantic mackerel in their gear.

Dan McKiernan clarified that the quota is not a Massachusetts quota, but the annual quota that the feds are also going to manage. Dan McKiernan welcomed questions from the Commission.

Bill Amaru asked several questions about how the trip limits would apply should 100% of the federal quota be taken. DMF was uncertain about the specifics of these federal provisions and would respond to Bill after the meeting. (Incidental limits of 10,000 pounds for limited access fishers and 5,000 pounds for open access fishers are triggered at 80% quota use and these limits continue to apply until the start of the next fishing year. Reactive accountability measures require a pound-for-pound payback from the following year if the Atlantic mackerel ACL is exceeded).

Mike Pierdinock asked about the number of vessels permitted. Anna Webb stated that the number of active state-only vessels was quite low and DMF are still gathering the data and will not have a full picture for several months.

Chairman Kane sought a motion. **Bill Amaru made a motion to approve the recommendations as provided. Bill Doyle seconded the motion. The motion was passed unanimously 7-0-1, with Chairman Kane abstaining.**

#### Staying Commercial Whelk Gauge Increase

Director McKiernan recommended the MFAC approve staying the schedule to increase the whelk gauge size until 2027. If approved, the 1/8" gauge increase (from 3 1/8" to 3 1/4") scheduled for 2024 will be implemented no sooner than April 15, 2027.

Kalil Boghdan asked about the comment received from whelk fishers. Dan stated there has been no opposition from the fishers.

Shelley Edmundson asked when the funds for a PhD student will be made available. Dan McKiernan stated DMF would not definitively know until the final budget is signed, which could potentially be late July. He was hopeful this would allow SMAST to bring on this student for the upcoming school year.

Bill Amaru asked what the possibilities are for alternative management strategies for the whelk fishery. Dan McKiernan stated other possible ideas could include include a slot



limit, a quota, trip limits, trap limit reductions, or other measures.

Mike Pierdinock expressed interest in how the range of this animal may be impacted by climate change.

Chairman Kane asked Shelley Edmundson if she received any funding regarding her whelk sex-ratio research. Shelley Edmundson stated she has not received any funding, and the project has yet to be built out. Shelley indicated she would speak to Ray after the meeting about the project.

Chairman Kane sought a motion. **Kalil Boghdan made a motion to approve the recommendation as provided. Shelley Edmundson seconded the motion. The motion was passed unanimously 7-0-1, with Chairman Kane abstaining.**

#### Commercial Smooth Dogfish Trip Limits

Director McKiernan recommended the MFAC vote in favor of increasing the regulatorily established commercial trip limit for smooth dogfish from 100 pounds to 300 pounds.

Additionally, DMF received a public comment from industry to include smooth dogfish in DMF's ongoing Consecutive Daily Trip Limit Pilot Program. This program allows permit holders participating in the summertime mixed species trawl fishery south of Cape Cod to land two days' trip limits of certain species (principally summer flounder) that were lawfully caught and retained over consecutive open fishing days. DMF is pursuing this requested accommodation with the Atlantic States Marine Fisheries Commission's (ASMFC) Coastal Sharks Management Board (Board). Should the Board approve it, DMF will allow the landing of two daily trip limits of smooth dogfish as part of the program in 2024. He welcomed questions from the Commission.

Kalil Boghdan stated he is in favor of this proposal and asked for clarification regarding the trip limits. Jared stated that the quota has historically been underutilized. There was one dragger who requested the increase to make his trips more profitable. Bill Amaru provided some additional details regarding the smooth dogfish fishery.

Chairman Kane sought a motion. **Bill Amaru made a motion to approve the recommendation. Tim Brady seconded the motion. The motion was passed unanimously 8-0-1, with Chairman Kane abstaining.**

#### Amendments to Sanitary Shellfish Harvest and Handling Rules

Chrissy Petitpas reviewed DMF's recommendations regarding the shellfish sanitation and harvest. These recommendations included the following:

1. Revising icing requirements for oysters during the Control Season for *Vibrio parahaemolyticus* so that ice is to be applied in a manner that completely covers loose oysters or bags of oysters and exempts commercial fishers from icing requirements if primary buyers take on the burden of icing at landing and within the time-to-icing window.
2. Clarifying that only ice made from potable water sources may be applied to

- shellfish, including during land-based overwintering.
3. Specifying that the most specific alpha-numeric sequence for a shellfish growing area shall be recorded on the shellfish harvester tag.
  4. Adopting a uniform state-wide night closure for the commercial harvest of shellfish. The closure would apply from one-half hour after sunset to one-half hour before sunrise, except that shellfish harvested in state regulated mobile gear fisheries could continue to occur between 6AM and 6PM during the period of November 1 through the last day of February.
  5. Allowing the primary sale of shellfish to occur at a municipally managed site as an alternative to the landing site as approved by DMF.

Bill Amaru expressed concern that DMF's recommendation regarding the use of potable ice would eliminate the historic practice of using ice made from sea water. Director McKiernan stated he would revise his recommendation to accommodate the use of ice made from sea water from any area classified as Approved or Conditionally Approved in the Open Status.

Chairman Kane sought a motion. **Kalil Boghdan made a motion to approve the recommendation as amended by the Director. Bill Doyle seconded the motion. The motion was passed unanimously 8-0-1, with Chairman Kane abstaining.**

### **FINAL PERMITTING ACTIONS**

#### Updates to Permit Transferability Rules

Story Reed updated the MFAC regarding the following final permit transferability rules:

1. Relax the transferability standards for Sea Bass, Tautog, and Fluke endorsements by amending the actively fished threshold from four-out-of-the-past-five-years to two-out-of-the-past-five years.
2. Allow the transfer of latent, but otherwise transferable endorsements, in a transfer to an immediate family member.
3. Modernize the definition of the term "immediate family" to include step and adoptive relationships.
4. Allow for the electronic display of commercial fishing permits.
5. Eliminate the outdated reference to the Coastal Lobster Permit waiting list.

Ray Kane and Story Reed discussed DMF's decision making regarding moving to the transferability standard of two-out-of-the-past-five-years. Story indicated this should increase the potential supply of transferable permits to allow improved access to these fisheries.

#### Housekeeping Adjustments

Story then discussed three housekeeping adjustments to permitting regulations. The first will allow the electronic display of their commercial fishing permit. The second would enhance the definition of immediate family to extend to step and adoptive family. The last would eliminate outdated reference to waiting list for a coastal lobster permit since DMF

has not and will not use a waiting list for permits.

## **EMERGENCY ACTIONS TO SET RECREATIONAL FISHING RULES**

### Black Sea Bass, Scup, and Summer Flounder Limits

Director McKiernan stated he intent to use his emergency rulemaking authority to revise the state's recreational summer flounder and scup measures to achieve mandatory harvest reductions and shift the state's recreational black sea bass season for 2024. He sought support for a set of measures to ensure continuity from emergency rulemaking to the subsequent final rulemaking that will be necessary over the summer.

Dan asked Nichola to speak to the proposed measures. Nichola described the public comment received and provided the Commission with background information regarding the changes to bag limit, open season, and minimum size. Nichola pointed out that for scup and flounder would be two-year measures (2024 – 2025), but black sea bass is just for this year.

Mike Pierdinock stated he has heard favorable comments regarding these new regulations. Mike P. thanked Nichola for pointing out research being done for the stock assessment.

Bill Amaru asked if the black sea bass minimum size is the same. Nichola stated that is correct; only the season is being shifted.

### At-Sea Filleting of Striped Bass

Director McKiernan stated his intent to use his emergency rulemaking authority to revise the state's striped bass recreational possession and filleting rules to comply with Addendum II to Amendment 7 of the Interstate Fishery Management Plan for Atlantic Striped Bass, as follows:

1. Clarify that striped bass retained in the shore or private vessel recreational modes are to be kept whole—except for evisceration, bleeding, or descaling—while on the waters of this state or any adjacent parcel of land, structure, roadway or parking lot, except if being prepared for immediate consumption;
2. Extend the allowance for for-hire captains and crew to fillet striped bass for their customers while at sea to also include while at dock prior to the customers departing the vessel;
3. Require the racks of striped bass filleted in the for-hire recreational mode to be retained in a manner that does not interfere with species identification or total length measurement until such time as the vessel has docked and all customers from that trip have departed the vessel; and
4. Replace the requirement for the striped bass fillets resulting from the for-hire filleting allowance to have skin intact with a requirement that they have at least two square inches of skin intact.

Nichola explained the rationale behind these changes and explained that they are consistent with for-hire requests for adopting ASMFC mandate in the least burdensome

manner. The changes also respond to public comment to provide flexibility for disposing of racks in a legal manner. Finally, they address long-standing confusion about when processing may occur in private angler and shore modes.

Mike Pierdinock provided an idea regarding bass filleting where the fisher would take a photo of the catch with a timestamp on the photo using the BioProject app. Ray Kane suggested this be brought to the attention of the ASMFC's Striped Bass Board. Dan McKiernan added that Mike P. would be well served by working such a request through the various angler and for-hire organizations along the coast.

Chris McGuire supported Mike Pierdinock's idea. He suggested the "Got One" application. The Nature Conservancy has been working with developers to include length as part of the data collected by this application.

## **OTHER BUSINESS**

### *Upcoming Public Hearings and Business Meetings*

Jared Silva stated the upcoming MFAC business meetings would be held on April 23<sup>rd</sup>, May 21<sup>st</sup>, and June 18<sup>th</sup>. He asked the Commission members if they had any conflicts as some meetings may be in-person.

Bill Doyle asked if it would be possible to have one of the upcoming MFAC meetings at Cat Cove. Nichola stated that outdoor accommodations could be made since the conference room is small and would not accommodate public turnout.

Chairman Kane suggested DMF work to schedule the upcoming meetings for Westborough, New Bedford, and Cat Cove. Jared stated he would look into room availability.

No conflicts were raised with these meeting dates.

### *Commission Member Comments*

Sooky Sawyer stated there is substantial concern from industry from regarding the pending implementation of Addendum XXVII and subsequent changes to carapace size, v-notch, and vent size rules. He anticipated this would be of significant interest at the MLA Annual Weekend.

Mike Pierdinock stated there is Atlantic HMS meeting at 2pm today regarding bluefin tuna, he added the public comment period will go through the end of the month.

Chris McGuire thanked DMF for their work on balancing public interests with the proposals that were approved today.

Bill Amaru thanked DMF and stated he is proud of the way DMF manages resources. He stated a slow bay scallop season was observed across Cape Cod this past year and opined this may be due to climate.

## **PUBLIC COMMENTS**

Heidi Ricci from Mass Audubon thanked DMF and the MFAC for the work put into the horseshoe crab memo. She stated she is impressed by the professionalism and the thought that goes into the regulatory changes.

Phil Coates commended DMF for their work. He expressed concerns about the striped bass resource and the management of the striped bass fishery. He stated he will prepare extensive comments and would like DMF to distribute them to the MFAC.

## **ADJOURNMENT**

Chairman Ray Kane requested a motion to adjourn the March 19 MFAC business meeting. **Bill Amaru made a motion to adjourn the meeting. The motion was seconded by Tim Brady. The motion was approved by unanimous consent.**

DRAFT

## **MEETING DOCUMENTS**

- March 19, 2024 MFAC Agenda
- February 13, 2024 Draft MFAC Minutes
- Horseshoe Crab Recommendation Memo
- Commercial Striped Bass Recommendation Memo
- Commercial Menhaden Recommendation Memo
- Commercial Summer Flounder Recommendation Memo
- May Commercial Groundfish Closure Recommendation Memo
- State Waters Commercial Atlantic Mackerel Trip Limit Recommendation Memo
- Recommendation to Stay Whelk Gauge Increase Memo
- Commercial Smooth Dogfish Trip Limit Recommendation Memo
- Commercial Shellfish Recommendation Memo
- Commercial Permitting Amendments
- Recreational Limits for Summer Flounder, Scup, and Black Sea Bass
- Recreational Striped Bass Filleting Rules

## **UPCOMING MEETINGS**

**9AM**  
**April 23, 2024**  
**TBD**

**9AM**  
**May 21, 2024**  
**TBD**

**9AM**  
**June 18, 2024**  
**TBD**



# The Commonwealth of Massachusetts

## Division of Marine Fisheries

(617) 626-1520 | [www.mass.gov/marinefisheries](http://www.mass.gov/marinefisheries)



MAURA T. HEALEY  
Governor

KIMBERLEY DRISCOLL  
Lt. Governor

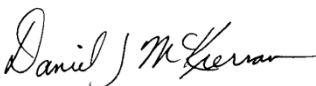
REBECCA L. TEPPER  
Secretary

THOMAS O'SHEA  
Commissioner

DANIEL J. MCKIERNAN  
Director

### MEMORANDUM

TO: Marine Fisheries Advisory Commission (MFAC)

FROM: Daniel J. McKiernan, Director 

DATE: April 17, 2024

SUBJECT: **Recommendations to Implement Adjustments to Carapace Size, V-Notch, and Trap Tag Rules to Comply with Addendum XXVII**

#### Recommendation to Implement Addendum XXVII

I recommend the MFAC to adopt the adjustments to the state's lobster regulations described below and portrayed in Table 1. This recommendation does not differ from my public hearing proposal as presented to the MFAC in November 2023<sup>1</sup> and proposed at public hearing last month. Adopting this recommendation is necessary to comply with Addendum XXVII to Amendment 3 of the American Lobster Interstate Fishery Management Plan. Failure to implement compliant state rules may result in a non-compliance finding by the Atlantic States Marine Fisheries Commission (ASMFC) and a referral to the US Secretary of Commerce to intercede and close the fishery in Massachusetts.

#### For commercial fishers by Lobster Conservation Management Area or LCMA (Figure 1):

1. Effective January 1, 2025, limit the issuance of annual lobster trap tags to commercial fishers in LCMA1 to the total trap limit (800) for this LCMA. Similarly, for LCMA3, limit the trap tag issuance to the individual permit holder's trap allocation. This will eliminate the practice of issuing an additional 10% of trap tags to pre-emptively cover trap loss for these LCMA's.
2. Effective January 1, 2025, adopt a v-notch possession standard of a notch or indentation at least  $\frac{1}{8}$ " deep with or without setal hairs for the state waters commercial fishery in OCCLCMA. The current standard for the state waters OCCLCMA fishery is  $\frac{1}{4}$ " depth without setal hairs. This amendment will establish uniformity with federal regulations for the federally permitted commercial fishers in OCCLCMA and LCMA3 (and the recreational fishery in Massachusetts), which all have historically been subject to the standard of  $\frac{1}{8}$ " depth with or without setal hairs.
3. Effective January 1, 2025, establish a maximum carapace length of  $6\frac{3}{4}$ " for OCCLCMA. At present, there is no maximum size for those OCCLCMA commercial fishers who hold only a state lobster permit. This amendment will establish uniformity with the federally permitted OCCLCMA fishers and the adjacent LCMA 3, both of which have historically been subject to the  $6\frac{3}{4}$ " maximum gauge size.
4. Effective January 1, 2025, increase the minimum carapace length for the commercial fishery in LCMA1 from the current size of  $3\frac{1}{4}$ " to  $3\frac{5}{16}$ ".
5. Effective on January 1, 2027, increase the minimum carapace length for the commercial fishery in LCMA1 from  $3\frac{5}{16}$ " to  $3\frac{3}{8}$ ".

<sup>1</sup> Refer to the November 2023 MFAC meeting materials for more details. Past meeting materials are available at <https://www.mass.gov/info-details/marine-fisheries-advisory-commission-meeting-resources>

6. Effective on January 1, 2028, increase the minimum escape vent sizes (both rectangular and circular) for lobster traps fished by commercial fishers in LCMA1. The rectangular minimum escape vent size will increase from 1  $\frac{15}{16}$ " by 5  $\frac{3}{4}$ " to 2" by 5  $\frac{3}{4}$ " and the circular escape vent will increase from 2  $\frac{7}{16}$ " diameter to 2  $\frac{5}{8}$ " diameter. This gear modification will allow more sub-legal sized lobsters to escape from the trap and is consistent with vent size requirements in other LCMAs where the minimum legal size is 3  $\frac{3}{8}$ ".
7. Effective on January 1, 2029, decrease the maximum carapace length for the commercial fisheries in LCMA3 and OCCLCMA from 6  $\frac{3}{4}$ " to 6  $\frac{1}{2}$ ".

For seafood dealers:

1. Adopt corresponding minimum and maximum carapace size standards so that they may continue to possess lobsters that conform to the smallest and largest carapace size standards among all jurisdictions within the United States. These adjustments will go into effect three months after the implementation date for the commercial fishery to allow dealers to liquidate existing inventory that will become non-conforming upon implementation.
2. Adopt a state-wide v-notch standard of  $\frac{1}{8}$ " depth with or without setal hairs for seafood dealers so that seafood dealers may possess lobsters lawfully harvested from any jurisdiction in the United States. This replaces the  $\frac{1}{4}$ " depth without setal hairs standard, as the state waters OCCLCMA fishery will no longer be able to harvest these lobsters under Addendum XXVII and the recommended state regulations. These adjustments will go into effect three months after the implementation date for the commercial fishery to allow dealers to liquidate existing inventory that will become non-conforming upon implementation.

For recreational fishers by Recreational Fishing Area (Figure 2):

1. Adopt minimum and maximum carapace size standards for the recreational lobster fishery in the Gulf of Maine and Outer Cape Recreational Areas that correspond to the new minimum and maximum carapace size standards for the commercial fishery in LCMA 1 and OCCLCMA.
2. Increase the minimum escape vent sizes (both rectangular and circular) for the recreational fishery in the Gulf of Maine Recreational Area consistent with the changes proposed for the commercial fishery in LCMA 1.

## **Background and Rationale**

The ASMFC's Lobster Board approved [Addendum XXVII](#) at its May 2023 meeting to increase protection of the Gulf of Maine/Georges Bank (GOM/GBK) lobster spawning stock. The Addendum responds to young-of-the-year survey trends demonstrating persistent low settlement throughout the Gulf of Maine since 2012 (with more than five years being consistently below the 75<sup>th</sup> percentile of the time series) and declines in recruitment indices since the last stock assessment in 2020. Increased protection of the spawning stock is to be accomplished through improving regulatory standardization across LCMAs and utilizing a recruitment abundance trigger to adjust gauge and vent standards to increase the proportion of the population that can reproduce before reaching a harvestable size and providing so-called "forever" protections to larger lobsters.

With regards to standardization, the actions primarily focus on the OCCLCMA fishery. Federal lobster permit holders in this fishery since 2010 have been subject to a 6  $\frac{3}{4}$ " maximum gauge size (consistent with adjacent LCMA 3) and a v-notch standard of  $\frac{1}{8}$ " indentation with or without setal hairs (consistent with adjacent LCMAs 2 – 6). However, the state waters-only permit holders in OCCLCMA have had less restrictive rules—no maximum gauge size and a v-notch standard of  $\frac{1}{4}$ " without setal hairs. Through Addendum XXVII, uniform rules will be adopted for all OCCLCMA permit holders. The ASMFC's Law Enforcement Committee and the Massachusetts Environmental Police (MEP) have advocated for enhanced regulatory standardization as a means of improving enforcement and compliance. Enforcement will be enhanced because these changes will result in state regulations on the maximum size and v-notch



possession standard becoming statewide seafood dealer standards. Moreover, applying the more restrictive conservation standards to the state waters-only fleet will afford greater protections to spawning stock biomass.

Another component of the standardization measures are changes to trap tag allocation rules. Addendum XXVII requires states with LCMA1 and LCMA3 permit holders to limit the annual issuance of trap tags to the actual trap allocation. This eliminates the issuance of a 10% surplus to these permit holders. This primarily effects the states of New Hampshire and Massachusetts as Maine has already adopted this more stringent standard. Permit holders will be able to acquire replacement trap tags in instances of documented trap loss. This should improve accountability to the trap allocation rule by eliminating the potential for fishers to exceed their trap allocations by fishing their surplus tags. There have been several instances in recent years when DMF and MEP have observed individuals likely engaged in this activity, but enforcement is challenging given it requires hauling out all gear belonging to an individual fisher.

Most substantively, the addendum also contained a recruitment abundance trigger—that once tripped—will gradually change gauge and vent standards over a period of five-years to increase spawning stock biomass protections. The trigger threshold was set at a 35% decline in recruitment abundance indices compared to the three-year average from 2016 – 2018. This three-year time-period reflects the last three years of data used in the 2020 stock assessment—thus, the trigger index describes change in stock status since the assessment. For LCMA 1, if the trigger was reached, the minimum size would increase by a total of  $\frac{1}{8}$ ” through two  $\frac{1}{16}$ ” increases spaced out over three years (Year 1 and Year 3). This would result in a terminal (by 2027) minimum gauge size of  $3\frac{3}{8}$ ”, consistent with the existing gauge size in LCMA 2 and OCCLCMA. Then in Year 4, the escape vent size would also increase to better correspond to the new minimum gauge size; this vent size matches the existing vent sizes in OCCLMCA where the minimum size is already  $3\frac{3}{8}$ ” (as well as LCMA 2, 4, 5, and 6). For OCCLCMA and LCMA3, the only action to be taken once the trigger was reached is the maximum carapace size reduction of  $\frac{1}{4}$ ” in Year 5 from  $6\frac{3}{4}$ ” to  $6\frac{1}{2}$ ”.

The Addendum describes the potential biological benefits of these modifications. For LCMA1, the increase in the minimum size is expected to substantially increase the proportion of female lobsters that are sexually mature when they recruit into the fishery (Figure 3). On a stock-wide basis, this proportion is expected to increase from 30% at current minimum gauge size to 43% at the terminal minimum gauge size. Closer to home—within only the western Gulf of Maine, where Massachusetts’ LCMA1 fishery occurs—the expectation is this proportion will increase from 48% to 61%. For OCCLCMA and LCMA3, whose fishers had undergone previous reductions in trap allocations as well as gauge increases in the last two decades, the focus instead was on decreasing the maximum gauge size so as to permanently protect larger lobsters from harvest (assuming very high fecundity for these large females).

In October 2023—just five months after the Addendum was approved by the Lobster Management Board—the Technical Committee informed the Board that the GOM/GBK recruitment index had declined by 39% compared to the 2016 – 2018 reference period, surpassing the 35% trigger. As a result, states would have to implement all aspects of the Addendum by June 1, 2024. This occurred sooner than the Board expected. Commissioner Kelliher (Maine) made a compelling argument to delay implementation to coordinate changes with Canada to avoid trade implications and to ensure there was a sufficient supply of gauges available to the LCMA1 lobster fishery. In response, the Board approved delaying implementation until January 1, 2025. Accordingly, states must adopt compliant regulations or be subject to a potential non-compliance finding and action by the US Secretary of Commerce.

Once implemented, these actions will effectively establish new regulatory baselines for lobster producing states. In Massachusetts, our state’s smallest minimum carapace size will increase with the increases to the LCMA1 minimum size; our largest maximum gauge size will decrease with the changes to the

OCCLCMA and LCMA3 maximum size; and our least restrictive v-notch standard will become  $\frac{1}{8}$ " notch or indentation with or without setal hairs. Accordingly, we need to adopt these new baseline rules at the seafood dealer level because any non-conforming product would have been unlawfully harvested. Additionally, given seafood market impacts, the ASMFC has initiated Addendum XXX to address the foreign imports of lobsters. Addendum XXX considers whether the smallest minimum size for foreign imports should have to match the smallest minimum size for the US lobster industry, which was the historic intent of the so-called Mitchell Provision which adopted a nationwide minimum size of  $3\frac{1}{4}$ " (i.e., the current smallest minimum size for the US lobster industry). At present, there are no interstate or federal proposals to restrict foreign imports of oversized lobsters consistent with Addendum XXVII. Therefore, the expectation is this product can continue to be imported into the US, but not into commerce in lobster producing states (i.e., those states who participate at the ASMFC's Lobster Board and who are expected to enact the restrictive measures).

While the American Lobster FMP does not manage the recreational fishery, DMF has historically managed its recreational fishery in conformity (whenever possible) with the commercial fishery. Such standardization improves enforcement and compliance and reduces potential user group conflicts. Accordingly, DMF is also recommending application of the Addendum XXVII gauge and vent size rules to the recreational lobster fishery.

### **State Public Hearing and Comment Period**

DMF conducted a public comment period from February 21 through April 5 with a public hearing at the Massachusetts Lobstermen's Association Annual Trade Show on March 22. The written public comment was dominated by from commercial fishers and seafood dealers who opposed the proposed actions, which notably included the Massachusetts Lobstermen's Association (MLA). This written public comment was similar to oral testimony received at the public hearing. The opposition focused on the perceived economic impacts associated with the changes to the gauge, vent, and v-notch rules. There were no comments received regarding the trap tag reduction requirements.

There are concerns about the immediate economic impact of raising the gauge size in LCMA1. Should the gauge changes be required, the preference was that they occur over an even more gradual schedule (e.g., in  $\frac{1}{32}$ " intervals over a longer period of time). There were also objections to the vent changes for LCMA1. The investment of time and capital associated with removing existing vents and installing new vents was of concern. I think this concern may be overstated. LCMA1 fishers who fish their full 800 trap allocation will have to replace 800 vents at about \$0.50 per vent; do not need to complete this task until January 1, 2028; and can install the new, larger vents can be installed as part of routine maintenance between now and then. It should be noted that while some fishers may fish multiple vents in the "parlor section" only one vent needs to comply with the regulatory requirement come January 1, 2028. Fishers also raised concerns about the size of these vents, the ability for legal sized lobsters to escape from them (based on observations from OCCLCMA and LCMA2 fishers who currently use them), and how this may further reduce their landings and exacerbate potential economic impacts.

MLA's comment letter suggests the combined effect of the gauge and vent changes will cause an economic loss upwards of 30%. However, I believe this is inaccurate. The LCMA1 lobster fishery harvest is a recruit-dependent fishery, meaning catch is highly dominated by lobsters that have just molted into the legal-size range in the past year. Our sea sampling data over the most recent five years (2018 – 2022) show that about 87% of the harvestable catch is within 10 mm (about  $\frac{13}{32}$ ") of the minimum carapace size (Figure 4). Unfortunately, with the observed decline in recruitment, fewer lobsters will be growing into the harvestable size range in the immediate future irrespective of management. Accordingly, it is exceedingly difficult to parse the loss of harvest that may be attributable to regulatory actions from the loss of harvest that will occur due to the declining abundance of the GOM/GBK stock. That is not to say these rule changes will not have any impact on harvest. As a recruit dependent fishery, the impacts of the

recommended regulatory actions will most certainly be felt immediately, but they will be temporary, as the lobsters will molt and grow into the new legal-size range<sup>2</sup>. Once harvestable, these lobsters will also be of a larger size (and weight), and absent changes in market demand, they should be individually more valuable.

There were also objections raised from the state waters-only fleet in OCCLCMA about the economic impacts associated with the maximum gauge and v-notch rules. Some argued that the combined impacts of these changes will reduce their catch by 30%. We have dedicated significant sea sampling resources over the decade to determine the accuracy of these claims. We believe these claims are inaccurate as they are not supported by our sea sampling data. They also raised concerns that this would eliminate the United States access to the oversized lobster market, effectively ceding this market to Canada.

The public comment period underscored the undeniable fact that there is substantial economic anxiety among lobster fishery participants. This is likely driven by a variety of factors—declining lobster abundance, impacts of right whale conservation regulations, changing environment, uncertain market conditions, overhead costs, interactions with mobile gear fishers, and wind energy development. I am sensitive to these varied concerns—and while I think Addendum XXVII will have an immediate impact on the industry—it is to its benefit in the long term.

The purpose of the addendum is to create more spawning stock biomass with the hope that this produces more larvae that recruit into the fishery. Additionally, the ASMFC's Lobster Board thought it best to take action now with a delay of almost a year and a half, while the fishery is just beginning to leave a stanza of record high abundance and value, rather than adopt a 'wait and see' approach that could delay action until a time of even lower productivity, which ultimately could require even more substantial conservation.

**Enclosed**

Written public comment

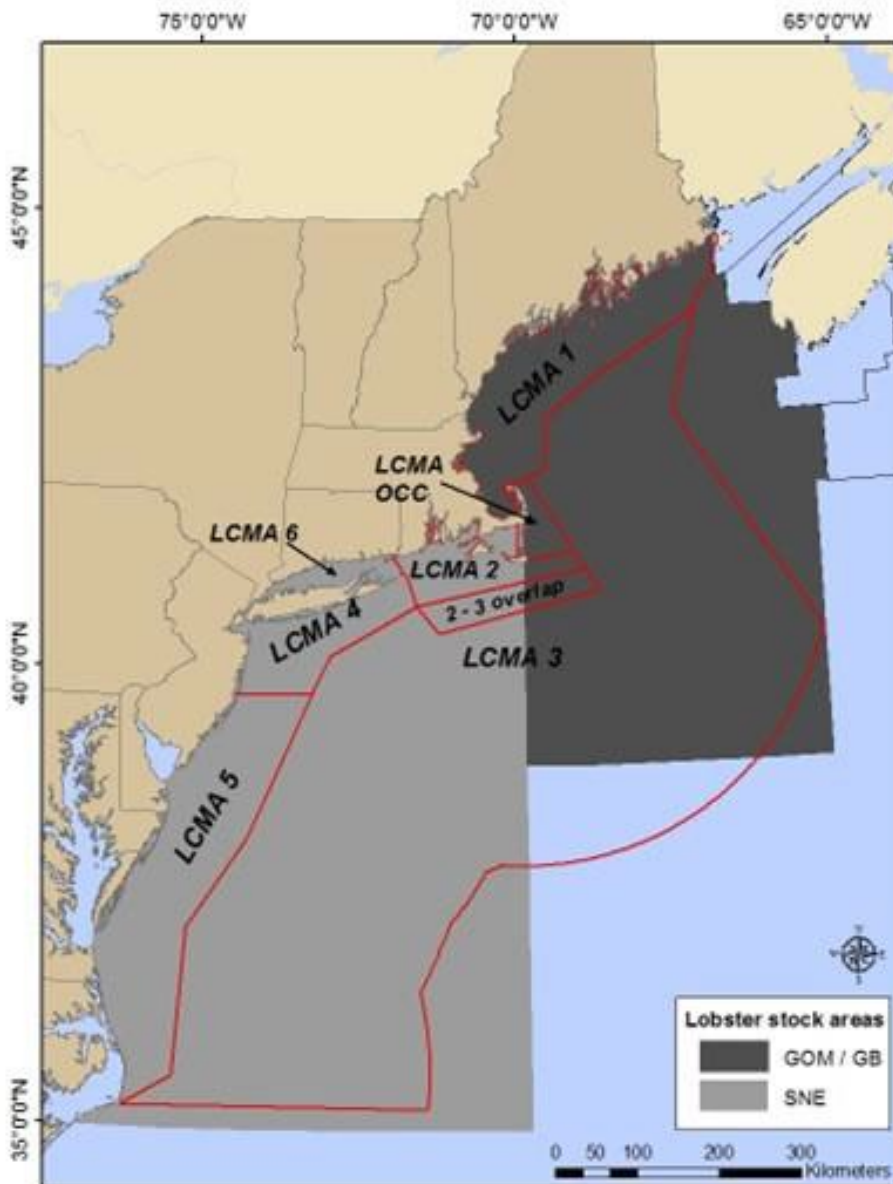
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<sup>2</sup> Lobster carapace size generally increases by about  $\frac{3}{8}$ " per molt.

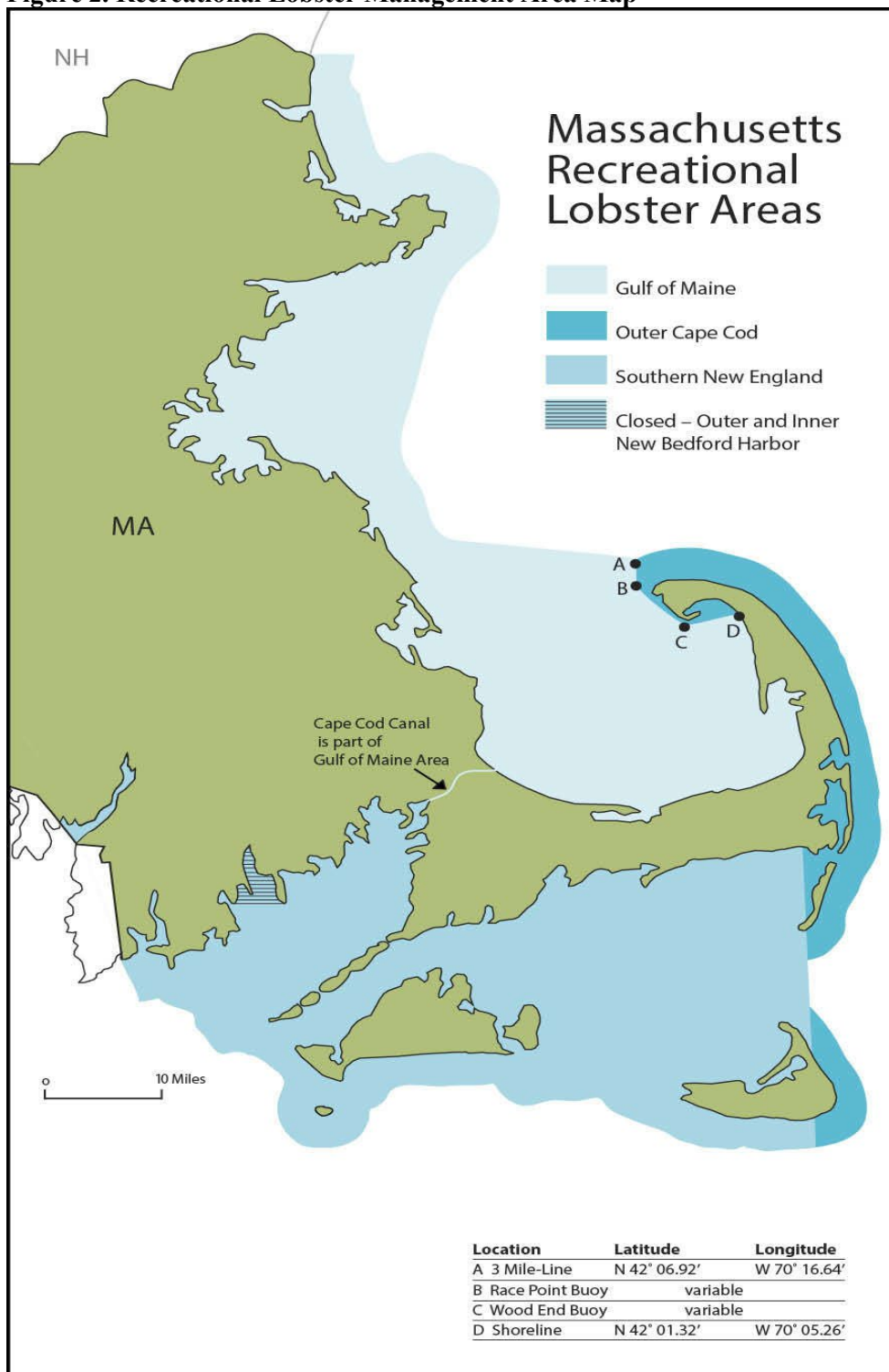
**Table 1. Implementation Schedule for Various Aspects of Recommendation**

Effective	LCMA1 and Recreational Gulf of Maine	LCMA 3	OCCLCMA and Recreational Outer Cape	Seafood Dealers
<b>Jan 1, 2025</b>	Limit trap tag issuance to trap allocation with no extra trap tags awarded.  Minimum carapace size increase from 3 1/4" to 3 5/16".	Limit trap tag issuance to trap allocation with no extra trap tags awarded.	Establish 6 3/4" maximum carapace size for state waters.  V-notch standard changes from 1/4" sharp v-notch without setal hairs to 1/8" v-notch with or without setal hairs for state waters.	Minimum carapace size increase from 3 1/4" to 3 5/16".  Establish 6 3/4" maximum carapace size for state waters.  V-notch standard changes from 1/4" sharp v-notch without setal hairs to 1/8" v-notch with or without setal hairs for state waters.
<b>Jan 1, 2026</b>	No Changes	No Changes	No Changes	No Changes
<b>Jan 1, 2027</b>	Minimum carapace size increase from 3 5/16" to 3 3/8".	N/A	N/A	Minimum carapace size increase from 3 5/16" to 3 3/8".
<b>Jan 1, 2028</b>	Trap escape vent size change from 1 15/16" by 5 3/4" rectangular or 2 7/16" circular diameter to 2" by 5 3/4" rectangular or 2 5/8" circular diameter.	N/A	N/A	
<b>Jan 1, 2029</b>	N/A	Maximum carapace size decrease from 6 3/4" to 6 1/2".	Maximum carapace size decrease from 6 3/4" to 6 1/2".	Maximum carapace size decrease from 6 3/4" to 6 1/2".

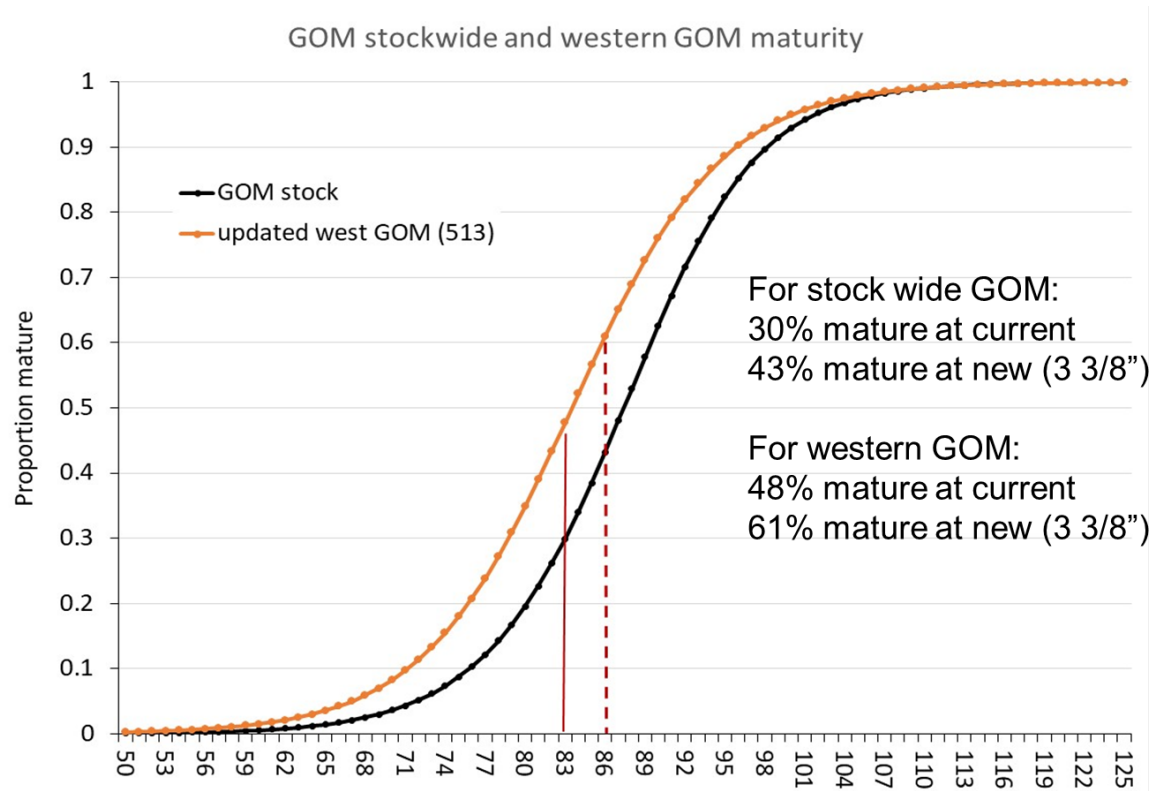
Figure 1. Lobster Conservation Management Area and Lobster Stock Map



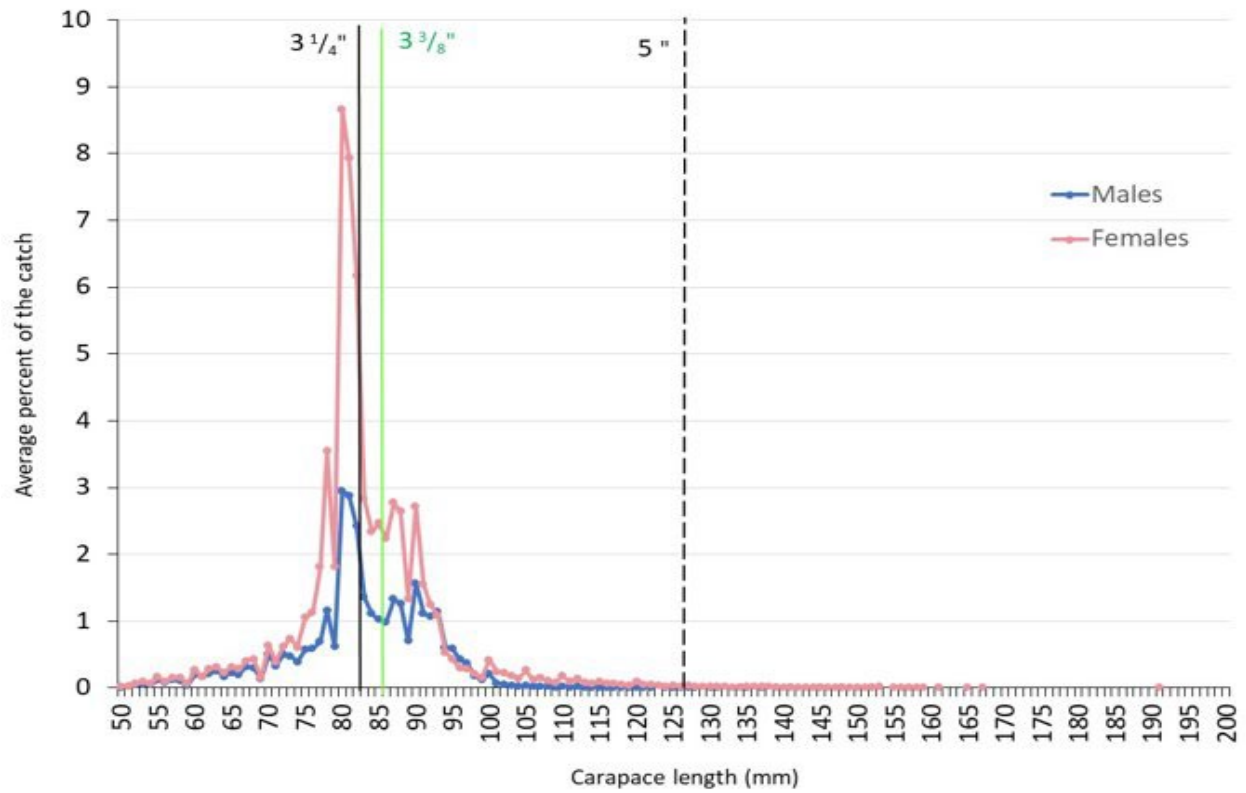
**Figure 2. Recreational Lobster Management Area Map**



**Figure 3. Proportion of Females Mature at Size for Stockwide Gulf of Maine and Western Gulf of Maine. The solid vertical line represents the current minimum legal size of 3 ¼" (83 mm), and the dashed vertical line represents the ultimate new minimum legal size of 3 ⅜" (86 mm).**



**Figure 4. Five-Year Average of Observed Catch at Length for Massachusetts LCMA 1(DMF sea sampling data 2018 – 2022)**







## Massachusetts Lobstermen's Association

8 Otis Place ~ Scituate, MA 02066  
781.545.6984

April 1, 2024

Daniel McKiernan, Director  
Massachusetts Division of Marine Fisheries  
South Coast Field Station  
836 S. Rodney French Blvd.  
New Bedford, MA 02744

Sent via email: [marine.fish@mass.gov](mailto:marine.fish@mass.gov)

Dear Director McKiernan,

On behalf of its 1800 members, the Massachusetts Lobstermen's Association (MLA) respectfully submits this letter of concern and opposition to the Massachusetts Division of Marine Fisheries (DMF) regarding the implementation of the Atlantic States Marine Fisheries Commission Addendum XXVII conservation measures.

The **MLA DOES NOT SUPPORT** the two separate scheduled increases to the minimum carapace size for commercial lobstermen in Lobster Conservation Management Area 1, from 3 1/4" to 3 3/8" and the third increase the escape vent minimum size on traps fished by commercial lobstermen in the Gulf of Maine Recreational Area from 1 15/16" by 5 3/4" rectangular or 2 7/16" diameter to 2" by 5 3/4" rectangular to 2 5/8" diameter which is a threefold economic loss by upwards of 30% with each change. There is no way ANY business can absorb upwards of a 30% decline in catch with each of these proposed conservation measures.

The **MLA DOES NOT SUPPORT** the establishment of a maximum carapace size of 6 3/4" for commercial lobstermen in the Outer Cape Cod Lobster Conservation Management Area (OCCLCMA) or the decrease to the maximum carapace size for commercial fishers in OCCLCMA and LCMA3 from 6 3/4" to 6 1/2".

The **MLA DOES NOT SUPPORT** the proposed reduction to the v-notch standard for commercial lobstermen in the OCCLCMA from 1/4" to a sharp point with or without setal hairs to 1/8" with or without setal hairs.

Established in 1963, the MLA is a member-driven organization that accepts and supports the interdependence of species conservation and the members' collective economic interests. The membership is comprised of fishermen from Maryland to Canada and encompasses a wide variety of gear types from fixed gear and mobile gear alike. The MLA continues to work conscientiously through the management process with the Massachusetts Division of Marine Fisheries, Atlantic States Marine Fisheries, Atlantic Large Whale Take Reduction Team, and the New England Fisheries Management Council to ensure the continued sustainability and profitability of the resources in which our commercial fishermen are engaged in.

The commercial lobster fishery, active effort, in Massachusetts continues to decline and each year is losing an estimated 8 to 10 permits a year with NO NEW PERMITS being issued. Massachusetts has a limited entry fishery that is continually reducing effort on the resource. To further help conservation on the resource there are two Lobster Management Areas in Massachusetts that have even more conservation measures in place to further protect the resource through a 10% Trap Tax on trap tag transfers. This measure alone has reduced the effort by tens of thousands of traps from being fished.

The **MLA DOES SUPPORT** the Weak Rope with Tracer (322 CMR 12.06). DMF proposes to allow the use of full formed red weak rope with a visible “MASS LOBSTER” tracer throughout the buoy line in Massachusetts Mixed Species Pot/Trap Fisheries (i.e. state waters trap/pot fisheries for lobster, scup, black sea bass and whelk) as a means of complying with existing buoy line breaking strength and buoy line marking requirements.

Thank you for your thoughtful deliberation and consideration on our comments.

Sincerely,

*Beth Casoni*

MLA, Executive Director

**From:** [Sam Favaloro](#)  
**To:** [Fish, Marine \(FWE\)](#)  
**Subject:** Lobster fishery  
**Date:** Wednesday, February 21, 2024 7:25:24 PM

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**CAUTION:** This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Hello, my name is Salvatore Favaloro I'm a third generation fisherman from Gloucester Massachusetts and hold a Massachusetts state permit and area 1 federal lobster permit. As far as the increased gauge size goes for Massachusetts, I think that the state and DMF are making a mistake in how they are handling data. This year in the Ipswich bay, which is primarily where I fish, there was more small lobsters then I have ever seen in my many years fishing. I fish traps with a minimum of 4 vents sometimes 5 or 6, at least three orange 1-7/8 vents and one crab vent. One example I have is this summer, I counted 24 small lobsters that I threw back in one single trap in mid July in the Ipswich bay. I'm not sure where you are getting your data from, who is conducting these test, or where they are fishing but like every other sea creature, lobsters move as a pretty fast pace. Sometimes the traps are loaded with egg bearing lobsters, sometimes they are loaded with male lobsters, some times all short lobsters and sometimes all good keeper lobsters, but this is constantly changing due to many different variables. I think more research needs to be done in order to make this assumption a truth. More areas need to be fished at different times of the year to determine where and when the small lobsters are moving. Talk to the fishermen about it. I'm a young fishermen in the fleet and I don't in anyway want the lobster fishery to decline but what your saying is just not at all what I'm seeing out there. Asking us to change out vents in all our traps is also a VERY big ask. It stresses me out just thinking about it. I fish 800 traps with 4 vents in each trap. I'm going to have to replace over 3200 vents if this is the case. At around \$1.00 a piece for vents it's going to cost upwards of \$4000 dollars, not to mention an exceptional amount of time to do this. Thank you for letting us comment on this. I hope more research is done before a decision is made. This seems abrupt and unfair, especially with all the stuff we have already done to protect the whales that we aren't killing. You are squeezing us out of the water. Fishermen are going extinct. My family has poured our life's into this just to be disappointed and stressed year after year with no end in sight because of your rules.

[Sent from Yahoo Mail for iPhone](#)

**From:** [Jeff flynn](#)  
**To:** [Fish, Marine \(FWE\)](#)  
**Subject:** Lobster Carpice  
**Date:** Thursday, February 29, 2024 9:51:39 AM

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As a commercial fisherman I cannot understand why you people that are concerned with the lobster stock , just cut the number of traps we can fish from 800- down to 500 or six hundred over the coarse of 4 years. This would eliminate many end lines and would also make enforcement much easier.

Sent from my iPhone

**From:** [chris townsend](#)  
**To:** [Fish, Marine \(FWE\)](#)  
**Subject:** Comment on gauge increase  
**Date:** Thursday, March 21, 2024 5:01:15 PM

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CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dan,

My name is Captain Chris Townsend and I fish lobsters out of Provincetown. The 2023 season was my 40th year fishing out of Provincetown from my humble beginnings as a sternman (kid actually) to my current status as one of the senior members of our local lobster gang.

I would like to submit the following information as my opinion regarding the proposed increase in gauge size in Area 1. If you read below you will find what I had recently submitted this to Beth Casoni at MLA so I just pasted it in this email. I truly hope you have the time to read it. This "plan" has been read by the MLA delegates as well as Sarah Peak.

BOTTOM LINE: I believe that raising the gauge is beneficial to our stock however I also believe there should be an increase in the maximum size as well. An increase only on the minimum size hurts our struggling Area 1 fisherman. Biologically, letting lobsters live longer yields significant egg production which in the long run is beneficial but, in the meantime the fisherman need to survive financially.

Chris Townsend

---

Beth,

Below you will find the rough plan that I sent to Sarah Peake. I did receive a response from Sarah saying she received it. She hopes to set up a meeting in which we can discuss this to see if there is a way for it to go in some traction.

As I stated today my primary reason for wanting change in the industry is to genuinely do what is best for the industry based on science, math and fact. I would love nothing more than to have future generations have the choice of wanting or not wanting to be a commercial lobster fisherman.

Additionally, bolstering or saving the industry comes with an unlimited amount of benefits that extend way past just the fisherman's themselves. If change creates stability and financial security for our local fleet then the trickle down is enormous. First and forever the fisherman readily spend in their own community to begin with. They buy safety equipment, new trucks, new gear and of course employ more people. I could go on and on but, I think you get my point.

I feel very strongly about this plan and will debate it merits with anyone that would like to have that discussion. Many fishermen never reach financial security or even a moderate comfort level. Therefore, they tend to be very short sighted and seem to only ever worry about today, this week or at best this season. The long term benefits of this plan (or some version of it) IS what's best for the lobster population and the lobstermen themselves. Given a chance, it will lead to genuine success for everyone in, around or even related to the lobster industry.

The 1948 v-notch law is out dated and unenforceable. The science available today suggests strongly that it's time for a change.

Take a look at the plan below and let me know if it's possible to do anything or introduce this anywhere where it might gain some traction.

Chris

---

## MY PLAN

After having been a lobster fisherman for 40 years, I believe that I have a plan that will insure the future stability of the commercial lobster industry. It is a plan that works for our fisherman, here in our waters, in our home state of Massachusetts. I realize we are more or less paralyzed and governed by ASMFC but, why can't we have regulations for our fishery that fit our local fisherman? Must we have the same rules here in Cape Cod bay that a fisherman in Eastport Maine on the Canadian border has? If the fisherman from Monhegan Island in Maine established their own zone and had it approved by the state of Maine, so can we!

It is a plan that is based on science and facts. It will require changes in the current fisheries regulations that have been proposed previously however, given the current economic climate and relatively new biological conditions in our waters it is time to give this plan consideration again. A new plan will put the industry on a course that shall allow fisherman to have stability and put economic stability back in their homes.

Simply put, this plan calls for an increase in the minimum harvestable size of the lobster. Currently, a lobster can be harvested once it reaches a minimum of 3 1/4" carapace length. In order for a species to survive, it is imperative that it be allowed to breed and produce the next generation before it is harvested. Here is the science, we know that roughly only 2 or 3 out of 10 lobsters that is exactly 3 1/4" carapace length have completed the reproductive process and yielded one generation of off spring. An increase of gauge size in minimal increments over time will move towards the end goal of 100% of lobsters having had eggs before harvest. Research shows that 100% of lobsters that reached 3 1/2" are now of age to have had a minimum of one egg producing cycle with many having had several. If the industry can move to a 3 1/2" carapace length it will insure the lobster population will not and can not be over fished.

With this plan the lobster is protected and perpetuated indefinitely. Here are the main benefits from this plan.

1. Lobster cannot be over fished - the lobster wins
2. All lobsters harvested are now larger. 100 lobsters that previously were harvested at 1.25 lbs and weighing 125 lbs are now harvested at 1.5 lbs and weighing 150 lbs. Higher weight = larger value. No extra work, no new equipment, net result is more \$- the fisherman wins.
3. As lobsters grow the yield of meat increases. A 1.25 lb lobster yields 13-15% meat. At 2 lbs the yield rises to nearly 20%. With no additional costs associated with harvesting larger lobsters the retail price should in theory remain close to the same. Now the consumer is getting more lobster for their \$. - the consumer wins.

Ultimately, the lobster, the fisherman, and the consumer benefit from this plan. Seems like a win, win, win.

Other benefits could be that the industry give consideration to eliminating our current V-notch law. If all lobsters harvested have had eggs then the need to "protect the breeders" is no longer there. The V-notch law is flawed at best and is a drain on our enforcement officials time and budgets. The fight over what is and what is not a V notch has gone on as long as the law has existed. Also, having to mutilate a lobster tail in order to protect it allows for the possibility of shell disease common in lobsters. On the flip side the lobster gauge is accurate and NOT open for any sort of debate. A lobster is over or under, case closed.

Also, the notion that protecting the large or over sized lobster because of its breeding capability is utterly ridiculous. Although the larger lobster does in fact produce a significantly larger amount of eggs, they do so so infrequently that the better option is to protect the younger lobster (which breeds every shed cycle). The current gauge size prevents lobsters over 5" carapace length from being harvested. Eliminate (or at least increase) the over size gauge and all the Fishermans worries about throwing back the small lobster are dissipated by allowing the harvesting of the larger lobsters.

Of course, as the gauge size increases from year to year there will be lobsters that were previously legal that now must be released. With fisherman constantly struggling to survive, an increase in gauge size will be surely met with

some resistance. (Eliminating or raising the over size will help) This is a plan that needs to be presented in a way that fisherman can understand that by giving up a little now it will return a lot more in their future. This plan helps to insure that future generations may have the choice to pursue a career in lobstering. Should our industry truly take a look at this plan and understand its merits the end goal will be mutually beneficial for all.

I would be happy to be part of this journey in any way possible. I believe that I am able to look at the pros and cons of industry change. Ultimately, I would want my industry to see some sort of relief from the ever changing laws and give our fisherman some hope that a return to prosperity is possible.

Captain Chris Townsend  
F/V Heidi Lyn  
Provincetown, MA  
508-237-1797

A message from the captain!

**From:** [Sam Brown](#)  
**To:** [Fish, Marine \(FWE\)](#)  
**Subject:** Addendum XXVII  
**Date:** Friday, April 5, 2024 10:49:49 AM

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I, Sam Brown OCLMA permit number 002106 do not support Addendum XXVII. I believe that for us to conform to the rules in this addendum would drastically affect our ability to make a living harvesting lobster within the outer cape limits.



**From:** [Brendan Adams](#)  
**To:** [McKiernan, Dan \(FWE\)](#); [Fish, Marine \(FWE\)](#)  
**Cc:** [Glenn, Robert \(FWE\)](#); [Reed, Story \(FWE\)](#); [Sarah Peake](#); [Beth Casoni](#); [Christopher Markey](#); [Sam Pickard](#); [Ben Piccard](#); [Bill Souza](#); [Johnna Turner](#); [Glenn Fernandes](#); [lopatoa@gmail.com](mailto:lopatoa@gmail.com); [brockmamba@gmail.com](mailto:brockmamba@gmail.com); [Fay Anderson](#); [sooky55@aol.com](mailto:sooky55@aol.com); [Dana Pazolt](#)  
**Subject:** Public Comment on Proposals Affecting Recreational and Commercial Trap Fishing (Gauge/Vnotch/Vent)  
**Date:** Friday, April 5, 2024 11:29:50 AM

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Dear Director McKiernan,

I am submitting this as my personal comment on the proposed regulatory amendments regarding lobster carapace sizes, V-notch, escape vents, and trap tag rules under addendum XXVII. Massachusetts lobstermen of all areas have bent over backwards to comply with rules, area closures, and whale related regulations. Our number of permits state wide keep declining each year. As it is now we will probably never see new permits created for lobstering by the Commonwealth. We have given up a lot to continue to fish. We have a fairly consistent harvest of lobsters in the Commonwealth, not some of the extremes that our northern neighbors have. Massachusetts is being bullied by Maine and New Hampshire to change the rules because of their sins. We have had 100% reporting in the Commonwealth for years, what about Maine and New Hampshire? The data shows that the OC is not the problem, and even if all the changes are made, no conservation measures pushed on us will show any measurable results in stock increases, anywhere. So the logical explanation is that the rules being pushed on the OC, by Maine and New Hampshire, are out of discrimination. I would guess, not because of our lack of a maximum gauge and different v-notch rules, but because our management plan has been successful. Ease of enforcement and standardization of rules is not a reason to push false conservation measures on us. Didn't Massachusetts used to own Maine? Why are we letting them dictate our rules to us? The proposed regulations that effect OC state permitted fishermen, which were voted in by the ASMFC, are unacceptable to me. The outer cape fishing area probably has the smallest number of permits and traps of any lobster management area on the US east coast. We are small group of independent owner/operators, and we would prefer to stay that way. If a maximum gauge and proposed v-notch rule changes are implemented I do not see much point in continue to fish, as it will turn a profitable business into a break even business, or an out of business. We also have a short window of opportunity to be productive, 4 months if we are really lucky. Given the rising cost of everything (lobster prices are not keeping up with inflation when we are allowed to harvest them), how are we expected to contribute to society? It will cost at least \$180 a trap, not including lines and buoys, to retool the way we fish here. Maybe we can sell our old traps for lawn ornaments and coffee tables. Also, we all have crewmen we pay living wages to, mortgages, vehicle payments, taxes, and all the normal things. A change to a maximum gauge and different v-notch rules will conservatively reduce our incomes by 30%. Maybe more. We will see those lobsters go back in the water and never get to see them realized in a paycheck ever again. I know that saying 30%+ may seem like an extreme number compared to DMF's estimated 2.5-4%, but it would be safe to say that the number is in between your estimates and ours. Could all the DMF employees take a, lets say 20% paycut, with no future raises or cost of living increases ever? I don't think many people would stick around, people would leave for private industry, academia, Alaska, retirement, Hawaii, the feds, etc.. I hate to even make a 'you and us' comparison because it should be a WE, and WE should all stand up to Maine, NH, and ASMFC, and tell them NO, leave us out of a problem that you all (they) created. What have they done for conservation? The potential for another 2.2 million traps, just from the Maine state fishery, let alone idle federal permits, and whatever potential increase of effort (does anyone even have a number on that?) by New Hampshire, should null and void any talk of restrictions on the OC. We have a potential for maybe 28000 traps in total, in our area. As you know that number dwindles as traps are transferred. No new permits or tags are going to be created in our area. Are they issuing new permits in Maine still? NH? We should not even be having this conversation. If we have to go to the negotiation table on this, lets talk, give us some reasonanble ideas. Other areas of lobster harvest are hard to equate, and probably not being properly accounted for, if they even can be. Things like natural predation, food sources for larval lobsters, and non-trap harvest are all rather vague at best. I assume Canada has some idea of what they produce, but that is murkier now with changing indigenous harvest rules. Those things all figure into the equation of lobster biomass. We have already done our part for conservation along time ago (and ever since then)

when our management plan was implemented. If you change our regulations for the OC, it will be done so under the force of political pressure (mostly from outside the Commonwealth), not for conservation purposes (or from good data), but certainly under the excuse of conservation. Please do not codify or implement the proposed changes to the OC management plan.

Sincerely,

Brendan Adams

**From:** [Nicholas Otoole](#)  
**Cc:** [Fish, Marine \(FWE\)](#)  
**Subject:** 001544  
**Date:** Friday, April 5, 2024 1:49:00 PM

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I totally disagree with this amendment XXVII obviously somebody's put their agenda for front before putting any real thought into what this Amendment is going to do to the small boats of the coast of Maine and outer Cape Cod financially , you might want to re think this whole process and start with where the real damage is happening to the lobsters is mobile gear fleet destroying habitat and landing limits that are outrageously high. Hopefully somebody wakes up and smell the coffee and realizes that lobsterman or not the problem here !

Sent from my iPhone

**From:** [Jeff Souza](#)  
**To:** [Fish, Marine \(FWE\)](#)  
**Subject:** Addendum xxvii  
**Date:** Friday, April 5, 2024 2:03:17 PM

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I am not in support of the changes in Addendum xxvii. First off you can't change something in every area all at once. Scientifically you need to change one thing and see how the population reacts. This way you know which measure has the biggest positive impact in the population. If all changes happen at once you won't know which one positively helped the population. You want to change the first thing that will impact the population the most, increase in minimum gauge will effect the majority of licenses and 80% of the catch comes from that area. Instead of changing occ which has 40 licenses and only account for less than 10% of the catch. If then in 5 years the yoy is not increased then you change the maximum gauge. This way we know for the future which change will help us keep the population healthy.

The v notch change for occ should have the wording of v shaped notch coming to a sharp point 1/8" with or without setal hairs. This makes it a clear and enforceable definition. The proposed one from asmfc had included Nick or indentation, which then makes this a mutilation law not a v notch law. V shaped notch coming to a point is a definition that will make the interpretation of the law clear.

I do not support this addendum and would ask that if implemented please consider changing one thing at a time, that will have the most impact on the population. This way we can get clear data on what works and what doesn't for the future.

-Jeff souza  
OCC #007120

[Yahoo Mail: Search, Organize, Conquer](#)

**From:** [granclaneast@comcast.net](mailto:granclaneast@comcast.net)  
**To:** [Fish, Marine \(FWE\)](#)  
**Cc:** [Linda Granlund](#)  
**Subject:** Lobster addendum  
**Date:** Friday, April 5, 2024 4:33:38 PM

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CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

To whom it may concern my name is Jonathan Granlund I have been a commercial outer cape lobsterman for 42 years I participated in every stage of the development of the formation of the outer cape area as an independent lobster fishing area. We followed the best and only science that will make the fishery truly sustainable ,that is letting over 50% of the breeding stock become mature before it is of harvestable size ,we did this with .32 of an inch increase per year this and trap reduction this was costly to the fisherman but the serious ones survived it and we are now seeing a substantial amount of egg bearing lobsters that are not of harvestable size. This is the goal of all this (mis) management your organizations are enacting, is it not? Area one and all other areas have maintained a smaller gauge size and is still harvesting 70 to 90 percent juvenile lobsters, which in no way is making a sustainable fishery. The outer cape made the proper decisions in the beginning of this management process years ago , and I believe we are now being punished for this by being included in these stop gap measures like maximum size and the most arcane and cruel V-notching . The amount of discard lobsters created by the change in v-notch definition is much higher than stated by the division of marine fisheries. Mr McKiernans data is based on incorrect data! I have participated ion the sea sampling program for six years and never has a sampler made a measurement of the depth of the notch and whether or not it is keeper or discard in a different area . In the season of 2023 I brought the same sampler on a trip for the division , he had no new instructions to measure the notch depth or condition as in overly deep or has hairs or not made safely with the special tool. At my request he kept count and estimated a full one third of my catch would be a discard under these new rules. The amount of egg production produced by this part of the new addendum is extremely tiny by division estimates, and therefore puts undue hardship on fishermen that have done the right thing from the start .its obvious that the plan of v-notching is not working or you wouldn't be enacting this addendum's why is the ASMFC and the division doubling down on a failing plan leave the outer cape out of it while you do the only thing that will fix this ! That is raise the gauge and that only

Thank you Jonathan Granlund

**From:** [jer.lop](#)  
**To:** [Fish, Marine \(FWE\)](#)  
**Subject:** American lobster public comment  
**Date:** Friday, April 5, 2024 4:37:07 PM  
**Attachments:** [IMG\\_6321.heic](#)  
[IMG\\_6319.heic](#)  
[IMG\\_0781.heic](#)

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Dan,

Although I was not able to attend the mla weekend due to child care responsibilities, I am writing to give full support of the comments of Brendan Adams, Sam Picard and the outer cape lobsterman's association. We need to stay status quo for the outercape until more studies are conducted which a few of us have agreed to with ventless trap surveys and sea sampling.

Also the targeting of lobsters by draggers needs to be addressed. More now than ever this is not an effective way to harvest lobsters and protect a resource. I am enclosing three pictures one clearly showing an egg bearing female abandoned on her back to possibly die and harm eggs.

Sincerely  
Jeremy loparto  
Occ permit holder

Sent from my iPhone

**From:** [sean.leach](#)  
**To:** [Fish, Marine \(FWE\)](#)  
**Subject:** Addendum XXVII Public Comment Letter  
**Date:** Friday, April 5, 2024 4:38:17 PM

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To Whom this may Concern

I am writing this letter in regards to the upcoming Addendum XXVII which will alter the current rules and regulations for LMA 1, 3, and OCC. I want to say that I appreciate the concern and thought that has gone into the management and control of our great lobster fishery in the state of Massachusetts. I however feel as though the brunt of these new rules which are being implemented in the name conservation are going to only mostly financially harm the trap fisherman. Lobsterman in general are historically the more forward thinking group of fishermen in the industry and is why we are not struggling or have not fished ourselves into nonexistence like the ground fishing fleet. The minimal gains that we achieve with this plan will in turn cost many in each LMA a substantial portion of their revenue, with an unknown idea of what could be gained in the distant future.

My first concern is that when and if said measures are put in place we initially will see a drop in landings in each LMA. Since we are measured by our landings, what is the acceptable loss from said measure and if they don't work as intended, landings will continue to be down for the foreseeable future. If that is the case then will we be forced to adopt another measure to rebuild the stocks. I feel as though if there was in fact a legitimate issue with the Lobster population then there would be in fact less outcry against said measures and more encouragement to adopt the new rule changes by the Lobster Trap Fleet.

Another issue which has been brought up by multiple fisherman is that the mobile gear fleet has been given a pass on all said measure and not taken any of the brunt of this burden. I ask why they are exempt from any form regulation or new management if the lobster population is in-fact in jeopardy. The lobsters that we work on during the open trap season are historically hunkered down in the deep water mud for the winter months east of Cape Cod. These lobsters are now and have been targeted to supplement the mobile gear fleets trips. 500 count lobsters for trips over 5 days were initially developed with good intentions however now with a poor ground fish price and and fish population it has opened the door to hi-grading and specific lobster targeting. This allows a dragger to work for the biggest lobsters possible and in-turn damage or mortally harm many lobsters that were never intended to be affected in the winter months. These large lobsters are deemed important and necessary to keep in the eco system according to management for trap fisherman however are at the same time almost encouraged to be targeted by the mobile gear fleet.

My closing remarks are that I do appreciate the effort that is and has been done by DMF and those in management. However I feel that any future lobster management needs to be equally done across the board to non trap and as well as trap fisherman. I am not specifically calling for the banning of non trap lobstering, but if our fishery is in such dire need of retooling then maybe we need to reconsider how lobsters are targeted going forward. A great job was done in the past of limiting gillnetters to 2 crates of lobsters a trip years back. That cut back alone has done so much good for the lobster population and backside cape lobsterman. We as trap lobsterman aren't given as liberal of a bycatch allowance to subsidize our fishery and I feel that should be taken into account.

Please consider pushing the Addendum XXVII lobster measure down the line til we can possibly find a better solution for everyone participating in our last great fishery.

Thank you for your time,  
Sean Leach  
OCC Permit Holder 005024

April 4, 2024

Daniel McKiernan, Director  
Massachusetts Division of Marine Fisheries  
South Coast Field Station  
836 S. Rodney French Blvd.  
New Bedford, MA 02744  
Sent via email to: [marine.fish@mass.gov](mailto:marine.fish@mass.gov)

Dear Director McKiernan,

I have been working on the deck of an Outer Cape lobster boat for as long as I can remember. From the elementary school years of wearing a life jacket on my Uncle's boat, to starting out on my own with a commercial student permit when I turned 12 and continuing with a regular commercial OCLMA permit before I ever had a driver's license, lobstering has shaped my life. My original OCLMA permit had a trap allocation of only 57 traps. Through many years and many hundreds of thousands of dollars, my current allocation is 511 traps, far below the standard 800 traps of an Area 1 permit for a substantially higher cost. This is my first Issue with the Draft addendum; it does not take our unique management plan for the Outer Cape that has created such a drastic increase on permit prices compared to other areas. I have personally invested everything I have into my permit and my business as a whole, so much that I cannot afford to buy a home in the current economy. As cape lobsterman we account for only 7% of lobster landings in Massachusetts and rely heavily on large lobsters for our catch as well as v-notched lobsters with setal hairs. I build all of my own traps to fish primarily on these large lobsters and catch very few lobsters under 2 pounds. If a maximum gauge size is enacted for the Outer Cape as well as the federal standard V-notch definition of 1/8 inch without setal hairs, I stand to lose 25% of my catch or more. That is unacceptable especially considering that I am fishing only 511 traps from May to December. I do not believe that anyone person in a blue-collar industry can afford to lose 25% or more of their yearly income nor can ANY business absorb upwards of a 25% decline in catch with the proposed "conservation" measures. Our management plan has been proven effective time and time again and there is no reason to change it.



I Therefore respectfully submit this letter of concern and opposition to the Massachusetts Division of Marine Fisheries (DMF) regarding the implementation of the Atlantic States Marine Fisheries Commission Addendum XXVII.

**I DO NOT SUPPORT** the establishment of a maximum carapace size of 6 3/4" for commercial lobstermen in the Outer Cape Cod Lobster Conservation Management Area (OCCLCMA) or the decrease to the maximum carapace size for commercial fishers in OCCLMCA and LCMA3 from 6 3/4" to 6 1/2".

**I DO NOT SUPPORT** the proposed reduction to the v-notch standard for commercial lobstermen in the OCCLCMA from 1/4" to a sharp point with setal hairs to 1/8" with or without setal hairs.

**I DO NOT SUPPORT** the two separate scheduled increases to the minimum carapace size for commercial lobstermen in Lobster Conservation Management Area 1, from 3 1/4" to 3 3/8" and the third increase the escape vent minimum size on traps fished by commercial lobstermen in the Gulf of Maine Recreational Area from 1 15/16" by 5 3/4" rectangular or 2 7/16" diameter to 2" by 5 3/4" rectangular to 2 5/8" diameter which is a threefold economic loss by upwards of 30% with each change. Just as I cannot afford a significant reduction in catch, neither can the lobstermen in Area 1.

**I DO SUPPORT** the Weak Rope with Tracer (322 CMR 12.06). DMF proposes to allow the use of full formed red weak rope with a visible "MASS LOBSTER" tracer throughout the buoy line in Massachusetts Mixed Species Pot/Trap Fisheries (i.e. state waters trap/pot fisheries for lobster, scup, black sea bass and whelk) as a means of complying with existing buoy line breaking strength and buoy line marking requirements.

Thank you for your time and consideration on these comments.

Benjamin Pickard

F/V Dragon Lady

OCLMA permit 004592

Box 1404

Wellfleet, MA 02667

lobsterlife99@gmail.com

April 4, 2024

Daniel McKiernan, Director

Massachusetts Division of Marine Fisheries

South Coast Field Station

836 S. Rodney French Blvd.

New Bedford, MA 02744

Sent via email to: [marine.fish@mass.gov](mailto:marine.fish@mass.gov)

Dear Director McKiernan,

As a fish market owner buying lobsters primarily from the OCC area since the early 1980s, I stand to lose a significant amount of product that I typically sell to both retail and wholesale markets. The large hardshell OC lobsters are a niche market that will be lost forever with the implementation of these regulations. The proposed regulation changes will likely result in a decrease in the catch of OCC lobsterman by 25% or more, thus reducing my business by the equivalent amount. Any business cannot afford a perpetual 25% decrease in profit. Furthermore, my business will also be negatively affected by the increase in minimum size to Area 1 as it will do away with one pound chicken lobsters which is a staple of restaurants around the commonwealth and throughout the country. This is simply unacceptable.

I Therefore respectfully submit this letter of concern and opposition to the Massachusetts Division of Marine Fisheries (DMF) regarding the implementation of the Atlantic States Marine Fisheries Commission Addendum XXVII.

**I DO NOT SUPPORT** the establishment of a maximum carapace size of 6 3/4" for commercial lobstermen in the Outer Cape Cod Lobster Conservation Management Area (OCCLCMA) or the decrease to the maximum carapace size for commercial fishers in OCCLMCA and LCMA3 from 6 3/4" to 6 1/2".

**I DO NOT SUPPORT** the proposed reduction to the v-notch standard for commercial lobstermen in the OCCLCMA from 1/4" to a sharp point with setal hairs to 1/8" with or without setal hairs.

**I DO NOT SUPPORT** the two separate scheduled increases to the minimum carapace size for commercial lobstermen in Lobster Conservation Management Area 1, from 3 1/4" to 3 3/8" and the third increase the escape vent minimum size on traps fished by commercial lobstermen in the Gulf of Maine Recreational Area from 1 15/16" by 5 3/4" rectangular or 2 7/16" diameter to 2" by 5 3/4" rectangular to 2 5/8" diameter.

Please **DO NOT** implement the proposed changes under Addendum XXVII for the sake of my business, the commercial fishermen, and everyone else in the supply chain that will be negatively affected by the implementation of these regulations.

Thank you for your time and consideration on these comments.

Alfred Pickard

The Boathouse Fish Market

Mass Dealer Permit #185774 (previously #4545)

25 Holbrook Ave/ P.O. Box 1407

Wellfleet, MA 02667

[wmcmom@aol.com](mailto:wmcmom@aol.com)

April 4, 2024

Daniel McKiernan, Director

Massachusetts Division of Marine Fisheries

South Coast Field Station

836 S. Rodney French Blvd.

New Bedford, MA 02744

Sent via email to: [marine.fish@mass.gov](mailto:marine.fish@mass.gov)

Dear Director McKiernan,

As a commercial lobsterman in the OCC area, I am part of a very unique and successful management plan. The proposed regulation changes will likely result in a decrease of my catch by 25% or more. Any business cannot afford a perpetual 25% decrease in profit. This is simply unacceptable.

I Therefore respectfully submit this letter of concern and opposition to the Massachusetts Division of Marine Fisheries (DMF) regarding the implementation of the Atlantic States Marine Fisheries Commission Addendum XXVII.

**I DO NOT SUPPORT** the establishment of a maximum carapace size of 6 3/4" for commercial lobstermen in the Outer Cape Cod Lobster Conservation Management Area (OCCLCMA) or the decrease to the maximum carapace size for commercial fishers in OCCLMCA and LCMA3 from 6 3/4" to 6 1/2".

**I DO NOT SUPPORT** the proposed reduction to the v-notch standard for commercial lobstermen in the OCCLCMA from 1/4" to a sharp point with setal hairs to 1/8" with or without setal hairs.

Please **DO NOT** implement the proposed changes to the Outer Cape Management plan.

Thank you for your time and consideration on these comments.

Chris Pickard

F/V Platypus

OCLMA permit 005070

Box 1407

Wellfleet, MA 02667

[Pickardc508@gmail.com](mailto:Pickardc508@gmail.com)



April 4, 2024

Daniel McKiernan, Director  
Massachusetts Division of Marine Fisheries  
South Coast Field Station  
836 S. Rodney French Blvd.  
New Bedford, MA 02744

Sent via email to: [marine.fish@mass.gov](mailto:marine.fish@mass.gov)

Dear Director McKiernan,

As a commercial lobsterman in the OCC area for many years fishing first with my sons and now my grandsons, I have seen the creation of a very unique and successful management plan. The proposed regulation changes will likely result in a decrease of catch by 25% or more. Any business cannot afford a perpetual 25% decrease in profit. At nearly 82 years of age I rely heavily on my family to continue fishing and do not believe that they nor myself can afford to continue with the incredible reduction in profit. These regulation changes will put many people out of business, ending both first generation lobstermen and those with heritages spanning multiple generations alike.

I therefore respectfully submit this letter of concern and opposition to the Massachusetts Division of Marine Fisheries (DMF) regarding the implementation of the Atlantic States Marine Fisheries Commission Addendum XXVII.

**I DO NOT SUPPORT** the establishment of a maximum carapace size of 6 3/4" for commercial lobstermen in the Outer Cape Cod Lobster Conservation Management Area (OCCLCMA) or the decrease to the maximum carapace size for commercial fishers in OCCLMCA and LCMA3 from 6 3/4" to 6 1/2".

**I DO NOT SUPPORT** the proposed reduction to the v-notch standard for commercial lobstermen in the OCCLCMA from 1/4" to a sharp point with setal hairs to 1/8" with or without setal hairs.

Please **DO NOT** implement the proposed changes to the Outer Cape Management plan.

Thank you for your time and consideration on these comments.

Donna Pickard  
F/V Patricia Diane  
OCLMA permit 000870  
Box 622  
Wellfleet, MA 02667  
[wmcmom@aol.com](mailto:wmcmom@aol.com)



April 4, 2024

Daniel McKiernan, Director

Massachusetts Division of Marine Fisheries

South Coast Field Station

836 S. Rodney French Blvd.

New Bedford, MA 02744

Sent via email to: [marine.fish@mass.gov](mailto:marine.fish@mass.gov)

Dear Director McKiernan,

As a commercial lobsterman in the OCC area for, we have a very unique and successful management plan. The proposed regulation changes will likely result in a decrease of catch by 25% or more. Any business cannot afford a perpetual 25% decrease in profit.

I Therefore respectfully submit this letter of concern and opposition to the Massachusetts Division of Marine Fisheries (DMF) regarding the implementation of the Atlantic States Marine Fisheries Commission Addendum XXVII.

**I DO NOT SUPPORT** the establishment of a maximum carapace size of 6 3/4" for commercial lobstermen in the Outer Cape Cod Lobster Conservation Management Area (OCCLCMA) or the decrease to the maximum carapace size for commercial fishers in OCCLMCA and LCMA3 from 6 3/4" to 6 1/2".

**I DO NOT SUPPORT** the proposed reduction to the v-notch standard for commercial lobstermen in the OCCLCMA from 1/4" to a sharp point with setal hairs to 1/8" with or without setal hairs.

Please **DO NOT** implement the proposed changes to the Outer Cape Management plan. Perhaps all areas should go under the same reduction plan that the State of Massachusetts has implemented for the OCC area with a clause to regain allocation for all areas if recruitment/population increases.

Thank you for your time and consideration on these comments.

Jeff Pickard

F/V Emma Irene

OCLMA permit 000346

Box 622

Wellfleet, MA 02667

[wmcmom@aol.com](mailto:wmcmom@aol.com)





To whom it may concern,

My name is Sam Pickard, and I'm one of 62 lobstermen left in OCLMA. We strive to catch the heartiest lobsters, and our price per pound off of the boat is on average, \$2.50 per pound higher than that of LMA1 and LMA2, as dealers and wholesalers prefer our lobsters over the other areas. The outer cape does not catch the same lobsters as area 1 and area 2, my average lobsters are 3-4 pounds, which is virtually unheard of in area one, as they are fishing on the recruitment stock, i.e 3 1/4 to 3 3/8 carapace length. Our minimum gauge is 3 3/8 and we do not have a maximum gauge under our current management plan. Under Amendment XXVII we to lose 25-30% of our lobsters, due to the maximum gauge implementation as well as the new V-notch definition. I understand why the Massachusetts Division of Marine Fisheries does not believe they need data from our zone, as we are the smallest group, so they do not believe we matter. The Outer Cape Lobsterman's Association has partnered with the Center for Coastal Studies in Provincetown to collect data for our zone, so that way we have a footing to stand on. Time and time again the MADMF state the OCLMA is not part of their proposed agenda, if this is the case, why are we included in Amendment XXVII? Our group is going to be the most affected by this, and the proposed Lobster Draft Addendum XXX is a complete slap in the face of every Outer Cape Fisherman. Nowhere in the Magnuson-Stevens Fishery Conservation and Management Act or the Michell Provision is there anything regarding the transport or holding of the new "oversize 6 3/4" lobster. When brought to the attention of the MADMF at a public hearing we were shrugged off saying it would be looked into down the road. If we are not allowed to continue to keep catching these big lobsters, which make up 25-30% of our catch, why is Canada still going to be allowed to import them? This is an injustice as an American, we have now given the Canadian lobsterman the full economic market of all lobsters over 6 3/4 not only in our country, but all over the world. Another thing the ASMFC has not investigated is the presence of lobsters being landed from non-trap fisheries, i.e. draggers in federal waters landing lobsters in Massachusetts. Not only are the lobsters being hi-graded, meaning that the only lobsters coming home are the most profitable, but they are also killing and maiming thousands per day. In the fall, when we the draggers come and fish right outside of our gear, or lobster run changes from 10% culls and weak lobsters to almost 50%. This is inexcusable. Why does the MADMF continue to allow the landing of lobsters dragged in federal waters? If we are trying to achieve conformity with Maine, why are we not following suit and banning the landing of federally dragged lobsters in Massachusetts?

For The Outer Cape Lobsterman to switch over to catch these little lobsters will cost approximately \$200 per trap, which for a full 800 permit will be \$160,000. This does not account for the time that it will take each one of us to adapt to this new fishing style, as our way of life has been passed down through generations. Also, on Cape Cod we have nowhere left to go, the average year-round home in Wellfleet is now selling for over 1 million dollars. We are being forced out by the rising cost of living, and a 25-30% loss of income is inexcusable. The average lobsterman in Massachusetts makes only \$110,000 per year. How are we supposed to change over our gear, at a cost of \$160,000, take a 25% pay cut, and live all at the same time. We are not millionaires, we are the stewards of the sea, and it's about time that MADMF and the ASMFC start to listen to their constituents, and understand we are not just a permit number on a computer screen. Therefore, I fully do not endorse Amendment XXVII or Amendment XXX. Both are a slap in the face the OCLMA Lobsterman and their families.

## **Why lobsters smaller than the MA fishermen's gauge should be allowed to be processed in the Commonwealth of Massachusetts.**

The lobster industry is not operating in a vacuum.

From the Atlantic mid-coast to Newfoundland & Labrador we all buy, sell, and compete in the same markets. The only thing that is different is the biological traits of the animal which dictate the legal size of lobsters that are allowed to be caught in different areas (zones).

However, what is happening in the trade is unrelated to the bottom of the ocean and vice versa. That especially applies in the processing sector. In Massachusetts, an unfair competition practice is taking place which negatively affects jobs and income for the Commonwealth's residents.

In recent years (and by all projections in the future) the bulk of the lobster catch is moving north. The USA landings (MA included) is losing ground while the Canadian supply has been increasing especially in certain areas in the Gulf St. Laurent. Landings reduction means fewer raw materials to handle thus job losses for the upcoming years. Bringing more lobsters will help offset and overcome these job losses. In addition, bringing "boat run" of lobsters is the most valued for processing product vs. the expensive graded which would be the case if specific sizes are excluded.

Both Canada and Maine understand the separation of lobsters processed vs. lobsters possessed. For example, smaller lobsters (i.e., cannery) are not allowed to be caught in Atlantic Nova Scotia fishing grounds (to protect the species). However, they are allowed to be imported and traded in that area since it does not affect its lobster biomass. Allowing them to be processed in Nova Scotia helps because it creates jobs for that Province.

The same thing applies in Maine. While over five-inch measure lobsters are not allowed to be caught they are allowed to be possessed and traded through Maine. That creates jobs for the state of Maine without affecting the lobster biomass.

We feel that the same process should be allowed in Massachusetts. We will protect the species by leaving the smaller lobsters in the ocean. Then, if allowed, we would bring smaller lobsters from other areas where they are legally caught (i.e., Canada) to processing plants in Mass in sealed crates and keep them in these crates separately from other lobsters and in identified lots. We would process them separately and sell the finished product outside of New England. This process would be absolutely in line with what is happening in other areas and would keep fair business practices in our state. No different than what Maine does with the larger lobsters.

In addition to being a fair business practice, in line with other lobster areas (where process lobsters that differ in size from the ones caught in that area are allowed) this would result in a substantial jobs gain in the Commonwealth. One of the reasons being is because the time of the year this would take place would be mostly in the Spring, a time during which landings in Mass are at or near their bottom. Bringing and processing lobsters to Massachusetts would increase employment and it would keep Mass companies competitive in the marketplace.

Because this allowance will be for **processing only** it will not have any impact on retail or food service prices nor on fishers' prices.

Our organization will campaign for the education of all parties on this process that is important for the economy of our Commonwealth.

To Dan McKiernan

March 1 2024

We the Undersigned ,agree with the proposed amendment to standardize the lawful definition of V-Notched lobster ,carapace lengths and equipment.

Name

Fishing Vessel

Louise P. Stepienack	"Amie"	Rockport, MA
Richard Medico	Red Boat Rick	003237
Mike Tuppan	Freemantle Docid	001170
Mike Tuppan	Freemantle Docid	003092
Mike Tuppan	Hardshell	RKPT002170
Mike Tuppan	Hardshell	005672

To Dan McKiernan

March 1 2024

We the Undersigned, agree with the proposed amendment to standardize the lawful definition of V-Notched lobster, carapace lengths and equipment.

Name

Fishing Vessel

Robert M. J.	FV SPIRIT
Blk. M. J.	FV MISS DIANE
manuel Silva	FV Silva Fox
A. J.	FV REBEKAH Ln
Don	FV EDNA BRIGGS
Say Van Der Wal	FV Alyssa + Andrew
Tim O'Connell	FV LADY ELAINE
Martin Bolcome	FV Cyndi B
JEFFREY TUTEIN	LOWKEY
Dustin Ketchopoulos	FV Rose + Zeus II
Scott Place	FV Lee Faith
Angus D. Hullah II	FV ODE AMERICA
Albert Olson	FV EASY LIVING II
John L. Davis	FV Dolly D
Mike Cam	FV Raising Cain
Sam Favaloro	FV Midnight Belle
DAVID T. O'CONNELL	FV EVAN & GRAHAM
Charles B. Williams	FV Krystal Soul

TO: Director of NMFS - Dan McKiernan

March 7, 2024

We the undersigned agree with the proposed amendment to standardize, between commercial and recreational lobsterman in the Commonwealth of Massachusetts, the lawful definition of "1/8<sup>th</sup> inch V Notched Lobster", Carapace Lengths and Equipment.

Please sign below to show your support for this amendment.

PETER MONOPOLLO	ALLISON - CAROL
Bush Hill	COASTAL REPORTER
Adrian M. Kelly	<del>For</del> COSS M. King
S. L. N. L. D.	NOB SKA
Steve Bridgman	Mary B.
James F. Frawley	Rose M. M. M.
W. D. D. D.	Cinnamon Girl
Caroline	FV Anne Rowe
John Farrell	Seaweed
Christopher Hilton	Flying Monkey
Thomas Hill	FV KAROLINE MARIE
Dan Sin	FV T. de Winder
M. A. A.	FV Bounty Hunter
John N. N.	FV Kenneth J. Duncan
John Porter	FV Manfred L. Porter
D. D. D.	FV Annie M.
Jo. S. S. S.	FV Miss Trish I.
W. W. W.	FV Miss Trish II
Cheryl M. M.	FV Jupiter H.

tion of sewer segments in of Rockport to eliminate infiltration through the use of trenchless repair methods and excavation to replace sewer segments. Bidders shall demonstrate sufficient experience with both the trenchless repair methods and replacement by means of excavation required as part of the work.

Document delivery will be via a File Transfer Protocol (FTP) internet link to download the Contract Documents. Requests for the FTP internet link should be directed to Carlos Eduardo Veras, Kleinfelder, by phone at (413)240-4611 or by e-mail at CVeras@kleinfelder.com.

Each Bid shall be submitted in accordance with the Instructions to Bidders and be accompanied by a Bid Security in the amount of five percent (5%) of the Total Bid Price.

The bidding and award of this Contract will be under the provisions of M.G.L. Chapter 30, Section 39M.

Gary LeBlanc  
Director of Public Works  
GT - February 26 2024

**COMMONWEALTH OF  
MASSACHUSETTS  
LAND COURT  
DEPARTMENT OF THE  
TRIAL COURT  
Docket 24 SM 000554  
ORDER OF NOTICE**

To:  
John S. Mahoney; Kelly A. Mahoney  
and to all persons entitled to the benefit of the Servicemembers Civil Relief Act, 50 U.S.C. c. 50-§3901 (et seq):

Towd Point Mortgage Trust 2018-5, U.S. Bank National Association, as Indenture Trustee, claiming to have an interest in a Mortgage covering real property in Gloucester, numbered 34 Burnham Street, given by John S. Mahoney and Kelly A. Mahoney to Stepstone Mortgage Company, Inc., Corporation, dated January 23, 2007, and recorded in Essex South District Registry of Deeds in Book 26513, Page 251, and now held by plaintiff by assignment, has/have filed with this court a complaint for determination of Defendant's/Defendants' Servicemembers status.

If you now are, or recently have been, in the active military service of the United States of America, then you may be entitled to the benefits of the Servicemembers Civil Relief Act. If you object to a foreclosure of the above-mentioned property on that basis, then you or your attorney must file a written appearance and answer in this court at Three Pemberton Square, Boston, MA 02108 on or before March 25, 2024, or you may lose the opportunity to challenge the foreclosure on the ground of noncompliance with the Act.

Witness, GORDON H. PIPER, Chief Justice of this Court on February 8, 2024.

Attest:  
Deborah J. Patterson  
Recorder  
23-000646  
GT - February 26 2024

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**PUBLIC  
NOTICES**

**PUBLIC NOTICES**

**Notice of Public Hearing and  
Comment Period:  
Proposals Affecting Recreational  
and Commercial Trap  
Fishing for 2024**

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 and 12.00. Consistent with Addendum XXVII to the American Lobster Fishery Management Plan, the draft regulations amend: (1) carapace and v-notch standards to affecting commercial fishers, seafood dealers; and recreational fishers; (2) escape vent sizes for commercial and recreational lobster and crab trap fishers in the Gulf of Maine; and (3) trap tag issuance rules for commercial lobster trap fishers in LCMA1 and LCMA 3. The draft rules also allow the use of full formed red weak rope with a visible "MASS LOBSTER" tracer throughout the buoy line in Massachusetts Mixed Species Pot/Trap Fisheries (i.e. state waters trap/pot fisheries for lobster, scup, black sea bass and whelk) as a means of complying with existing buoy line breaking strength and buoy line marking requirements. Lastly, housekeeping measures are being proposed to black sea bass pot seasons and protected species rules. DMF will accept written public comment through SPM on Friday, April 5, 2024. Please submit written comments to Director Daniel McKiernan by e-mail ([marine.fish@mass.gov](mailto:marine.fish@mass.gov)). Additionally, DMF will host an in-person public hearing on Friday, March 22, 2024 at 8:30AM at the Emerald Resort and Conference Center located at 35 Scudder Avenue, Hyannis, MA. For more information, please visit: <https://www.mass.gov/info-details/proposed-amendments-to-division-of-marine-fisheries-regulations>.

GT - February 26 2024

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April 4, 2024

To the MA Fisheries Board:

A regulation change in fisheries management should demonstrate a benefit to that fishery and also to the fishermen. The latest proposal for changes in MA lobster regulations only meets that need halfway. There is a distinct benefit to Area 1 (Cape Cod Bay - NH line) while there is none for the Outer Cape Area (OCLMA).

At the two public hearings MA DMF displayed a chart which quite specifically indicates the gain in egg production from the two proposed minimum size increases in Area 1. MA DMF also comments that those minimum increases will not be a loss in weight to the catch since those lobsters will molt into a larger size making up for the initial loss. This would occur within months after the initial implementation of the new minimum size. Anyone who looks into the data can clearly see this is true. The result is MA DMF gets the increase of egg production they want and the fishermen should not suffer a financial loss.

The OCLMA does not get this financial benefit with the V-notch and maximum size regulations and moreover DMF hasn't any chart proving in detail their gain in egg production. Existing sea-sampling data indicates that the OCLMA returns to the sea greater than 40% legal size eggers already while Area 1 is below 20%. Unlike Area 1 when the OCLMA is then required to also return to the sea a significant amount of V-notches and maximum size lobsters it is deprived of the benefit of regaining that weight back in the future as is done under a minimum size increase. Furthermore there aren't any peer-reviewed lobster studies available indicating specific detail on gain in egg production. A Canadian study reports that larger lobsters actually molt less and result in being more of a burden on the fishery than a value in egg production. The ASMFC lacks any charts to display otherwise.

Trap numbers are also a problem. In 2004 the OCLMA reduced its trap numbers by 20% to 28,000 traps. Its transferable trap plan does not allow an increase in total traps in the area. Area 1 refused to reduce and kept the current policy of 800 trap limit for all. MA averages 365 traps fished while allowing 800. With approximately 1000 licenseholders this policy would continue the trend to increase effort into the lobster fishery. Add to this equation that Maine (also in Area 1) has more than 3 million traps which also can increase to double that amount in effort with more than 6000 licenseholders. Once again the OCLMA is put in a distinct disadvantaged position.

The ASMFC can not have it both ways. It proposes a new set of regulations which should gain value and fishing effort to Area 1 while it harms the OCLMA particularly after the OCLMA spent the previous 20 years fishing responsibly. My suggestion is that the OCLMA keep the current v-notch and maximum size regulations or be offered an opportunity to make another option. The Area 1 minimum size increases should be continued as planned. Finally, MA should abandon the V-notch and maximum size regulations as ineffective tools for its lobster fishery.

Stephen Smith

Director McKiernan,

I am writing to you about my opposition to the proposed regulation changes being made by the Division of Marine Fisheries regarding the Atlantic States Marine Fisheries Commission Addendum XXVII conservation measures.

As an Outer Cape permit holder I highly oppose the regulations changes being made to the OCCLMCA. I had the privilege to do some sea sampling for a day this past season. When reviewing the data that I received and running the numbers I was able to determine that I would have been looking at a 5% loss using the average lobster size for the day, but also looking at the numbers I can determine that the lobsters that would be released under the new regulations were also by majority above average size which would therefore push the loss even higher somewhere around 8-10%. DMF issued an impacted report last year with an impact percentage of 2-4%, and this is well below the impact it will actually have on our OCCLMCA.

I do **NOT** support the establishment of a maximum carapace size of 6 3/4" for commercial fishers in the OCCLMCA.

I do **NOT** support to reduce the V- notch standard for commercial fishers in the OCCLMCA and all seafood dealers in Massachusetts from 1/4" to a sharp point without seal hairs to 1/8" with or without seal hairs. (i don't know if you know but that regulation is written wrong in the Feb 21, 2024 DMF Memo)

I do **NOT** support the Jan 1, 2029 decrease the maximum carapace size for commercial fishers in OCCLMCA and LMCA 3 from 6 3/4" to 6 1/2".

I also do not support any of the other proposed changes to the LMCAs outside of where I fish. I believe the effects do to these changes will be much larger than DMF has estimated and you will be harming many people without solving a problem.

The regulations in Massachusetts should remain **STATUS QUO** in support of your Massachusetts Lobstermen.

Cheers,  
Michael O'Brien

April 4, 2024

Daniel McKiernan, Director

Massachusetts Division of Marine Fisheries

South Coast Field Station

836 S. Rodney French Blvd.

New Bedford, MA 02744

Sent via email to: [marine.fish@mass.gov](mailto:marine.fish@mass.gov)

Dear Director McKiernan,

As a commercial lobsterman in the OCC area for nearly 30 years, I have seen the creation of a very unique and successful management plan. The proposed regulation changes will likely result in a decrease of catch by 25% or more. Any business cannot afford a perpetual 25% decrease in profit.

I Therefore respectfully submit this letter of concern and opposition to the Massachusetts Division of Marine Fisheries (DMF) regarding the implementation of the Atlantic States Marine Fisheries Commission Addendum XXVII.

**I DO NOT SUPPORT** the establishment of a maximum carapace size of 6 3/4" for commercial lobstermen in the Outer Cape Cod Lobster Conservation Management Area (OCCLCMA) or the decrease to the maximum carapace size for commercial fishers in OCCLMCA and LCMA3 from 6 3/4" to 6 1/2".

**I DO NOT SUPPORT** the proposed reduction to the v-notch standard for commercial lobstermen in the OCCLCMA from 1/4" to a sharp point with setal hairs to 1/8" with or without setal hairs.

Please **DO NOT** implement the proposed changes to the Outer Cape Management plan.

Thank you for your time and consideration on these comments.

Stephen Pickard

F/V Uptown Girl

OCLMA permit 092744

Box 622

Wellfleet, MA 02667

[uptowngirlpt@comcast.net](mailto:uptowngirlpt@comcast.net)





# The Commonwealth of Massachusetts

## Division of Marine Fisheries

(617) 626-1520 | [www.mass.gov/marinefisheries](http://www.mass.gov/marinefisheries)



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Governor

KIMBERLEY DRISCOLL  
Lt. Governor

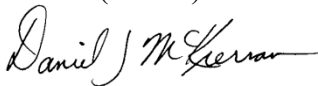
REBECCA L. TEPPER  
Secretary

THOMAS O'SHEA  
Commissioner

DANIEL J. MCKIERNAN  
Director

### MEMORANDUM

TO: Marine Fisheries Advisory Commission (MFAC)

FROM: Daniel J. McKiernan, Director 

DATE: April 17, 2024

SUBJECT: **Recommendation to Allow Use of New Fully Formed Weak Rope with Tracer**

#### Recommendation

I recommend the MFAC vote to allow trap fishers participating in the Massachusetts Mixed Species Pot/Trap Fishery<sup>1</sup> to use fully formed red or red and white (so called “candy cane”) colored weak rope<sup>2</sup> with a “MASS LOBSTER” tracer ribbon visible throughout to the naked eye (Figure 1 and 2) as a means of singularly complying with the state’s weak rope, buoy line diameter, and buoy line marking requirements.

#### Rationale

As part of the Division of Marine Fisheries’ (DMF) application for an Incidental Take Permit for right whales and sea turtles, the agency front-loaded its proposed Habitat Conservation Plan into regulation. Among other things, this included a buoy line modification and marking program unique to the Massachusetts Mixed Species Pot/Trap Fishery. This was done to make Massachusetts’ trap gear uniquely identifiable for the purposes of identifying the gear back to the fishery in the case of an entanglement.

Buoy lines fished in this fishery are to have a maximum diameter that does not exceed  $\frac{3}{8}$ ” and breaking strength of 1,700 pounds or less. Additionally, they are to have one solid red mark measuring at least three feet in length in the surface system followed by four solid or non-solid red marks measuring at least two feet in length in the body of the buoy line with two marks occurring in the top 50% and two marks in the bottom 50% and no more than 60’ without a red mark. Buoy lines that are red in color (including the fully formed red or candy cane weak ropes) are to bear white marks in the place of the red marks.

While some of the fully formed weak rope being produced and marketed is either red in color or candy cane colored, fishing this rope without compliant white marks was not sufficient to meet Massachusetts’ buoy line marking rules because the fully formed weak rope could be lawfully fished in other jurisdictions (e.g., Maine) where there are requirements that endlines have a breaking strength of 1,700 pounds or less.

<sup>1</sup> Under DMF’s pending Incidental Take Permit application, the Commonwealth will manage its state waters trap/pot fisheries as a single unit—the Massachusetts Mixed Species Pot/Trap Fishery. NOAA Fisheries recognized this fishery as being separate and discrete from the broader Northeast Lobster and Jonah Crab Fishery and the Northeast Trap/Pot Fishery on the List of Fisheries it promulgates pursuant to the Atlantic Large Whale Take Reduction Plan (ALWTRP). This separation indicates this fishery is discretely managed in a manner that achieves more large whale conservation than is required by the ALWTRP.

<sup>2</sup> Weak rope is a colloquial term used to describe buoy line that has a breaking strength of 1,700 pounds or less. The 1,700 pound breaking strength threshold has been identified as being sufficiently strong enough to haul trap gear but weak enough to readily break when a right whale encounters it so as to reduce the injury and mortality risk associated with that entanglement.

While buoy lines fished in other jurisdictions would be subject to their own unique marking scheme, the risk existed that—absent other markings—red or candy cane colored weak rope could be improperly attributed to Massachusetts should an entanglement in such gear occur.

With this in mind, the Massachusetts Lobstermen’s Association (MLA) has worked to develop a fully-formed  $\frac{3}{8}$ ” diameter red and candy cane colored weak rope that has a “MASS LOBSTER” tracer ribbon throughout the line and readily visible to the naked eye. The rope has been tested by NOAA Fisheries and conforms to the 1,700-pound breaking strength limit. Given the “MASS LOBSTER” tracer is visible throughout the line, it also makes the gear uniquely identifiable to the Massachusetts Mixed Species Pot/Trap Fishery. While this rope could be sold to a fisher in another jurisdiction, it is expensive and DMF will work with neighboring jurisdictions to adopt similar rules to Massachusetts that would prohibit a fisher from fishing gear with markings from a jurisdiction other than their own.

With experience, rope manufacturers are now able to produce a weak rope that can be readily used in hauling large trawls without splitting or stretching and our commercial fishers have also become increasingly adept at fishing the line in a manner that avoids splitting and stretching. Whereas the use of fully formed weak rope was generally limited to single traps and small trawls, it is now more commonly deployed in larger gear configurations. Therefore, amending our existing rules to allow our state waters trap fishers to fish this gear will substantially reduce the regulatory burden on commercial fishers by limiting their need to implement and maintain an extensive marking scheme in the buoy line. I strongly support the implementation of this allowance, and I commend MLA on their work to develop this technology.

Note that it is unlikely that a final rule will go into effect before May 15, 2024. Therefore, there may be a period of time at the outset of this year’s trap fishing activity whereby it is not technically lawful to use this gear. However, DMF has encouraged industry to configure their gear with this rope and has been handing out free spools of this rope to industry. Accordingly, pending your approval of this recommendation, we will ask the Massachusetts Environmental Police use their discretion during this interim period when enforcing gear marking rules when this rope is being fished.

#### **State Public Hearing and Comment Period**

DMF conducted a public comment period from February 21 through April 5 with a public hearing at the Massachusetts Lobstermen’s Association Annual Trade Show on March 22. Oral testimony and written public comment was supportive of adopting this allowance. The written public comment received is contained with in comments more focused on the amendments relevant to Addendum XXVII and has been appended to that memorandum.

**Figure 1. Red Fully Formed Weak Rope With Tracer**



**Figure 2. Candy Cane Colored Fully Formed Weak Rope With Tracer**







# The Commonwealth of Massachusetts

## Division of Marine Fisheries

(617) 626-1520 | [www.mass.gov/marinefisheries](http://www.mass.gov/marinefisheries)



MAURA T. HEALEY  
Governor

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Lt. Governor


REBECCA L. TEPPER  
Secretary

THOMAS O'SHEA  
Commissioner

DANIEL J. MCKIERNAN  
Director

### MEMORANDUM

TO: Marine Fisheries Advisory Commission (MFAC)

FROM: Daniel J. McKiernan, Director 

DATE: April 17, 2024

SUBJECT: **Housekeeping Recommendation Affecting Trap Gear**

#### Recommendation

I recommend the MFAC vote to adopt two discrete housekeeping recommendations:

1. Eliminate the outdated reference to the black sea bass pot closed season ending on July 6 in favor of adopting more broad language that lifts the black sea bass pot closed season two-days prior to the start of the directed fishery; and
2. Eliminate the definition for and map of the Massachusetts Restricted Area in the protected species regulations.

#### Background and Rationale

##### *Black Sea Bass Pot Season*

DMF regulates fish pot fishing at 322 CMR 6.12. This regulation establishes closed seasons for the black sea bass, scup, and whelk pot fisheries. With regards to the closed black sea bass pot season, this regulation states the closure begins three days following the quota closure date and ends on July 6. This July 6 date refers back to a time when the directed black sea bass fishery opened on July 8 (allowing for setting and soaking prior to hauling on the first open fishing day). However, this is now out of phase with the directed black sea bass season at 322 CMR 6.28, which begins on the first open fishing day (Sundays – Thursdays) on or after July 1. To correct this, I seek to eliminate reference to July 6 and instead adopt language that lifts the black sea bass pot closed season two-days prior to start of directed fishing season.

##### *Massachusetts Restricted Area*

The Massachusetts Restricted Area (MRA) is a term used in the federal Atlantic Large Whale Take Reduction Plan (ALWTRP) that refers to the initial closure of state and federal waters north and east of Cape Cod to persistent trap gear buoy lines. DMF complemented this federal closure in 2015 and defined and mapped this area in our protected species regulations at 322 CMR 12.00. In our efforts to obtain an Incidental Take Permit from NOAA Fisheries for right whales, we amended the trap gear closure regulations in 2021. This amendment extended the spatial extent of the state waters portion of this closure up to the New Hampshire border and refined our regulations to differentiate the state conservation program from the ALWTRP. At the time, we overlooked deleting references to the MRA and I want to take this opportunity to fix this rule and eliminate reference in the state regulation to this federal term. This will not impact state or federal right whale conservation programs.



# The Commonwealth of Massachusetts

## Division of Marine Fisheries

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Secretary

THOMAS O'SHEA  
Commissioner

DANIEL J. MCKIERNAN  
Director

### MEMORANDUM

TO: Marine Fisheries Advisory Commission (MFAC)

FROM: Daniel J. McKiernan, Director 

DATE: April 17, 2024

SUBJECT: **Ongoing Efforts to De-escalate the User Group Conflict Regarding Menhaden Seining Fishery in Boston Harbor**

Menhaden provide a substantial ecosystem function as a forage base. There is interest in maintaining their availability in our waters, particularly among anglers who want them as forage and bait for our valuable recreational fisheries (e.g., bluefin tuna and striped bass). Additionally, the purse seine fishery for menhaden is a historic commercial fishing activity in Massachusetts and our local commercial catch provides bait for our lobster industry, as well as other local fishers and tackle shops. These competing interests have driven a persistent user group conflict over the extraction of menhaden for commercial purposes. However, this is a shared resource and a collective effort is needed to de-escalate conflicts, in both how we manage this fishery and how competing interests interact on the water.

The Division of Marine Fisheries (DMF) recognizes the importance of this resource as a forage base. On a coastwide basis, the commercial quota set by the Atlantic States Marine Fisheries Commission considers menhaden's function on an eco-system level. Additionally, at the local level, DMF has adopted various input and output controls to constrain commercial harvest and effort in Massachusetts to ameliorate potential conflicts with recreational anglers. However, our expectation is that commercial seiners will be able to operate within the parameters of our extensive management program to access the commercial menhaden quota, same as any other DMF-managed commercial fishery.

The Boston Harbor complex has historically been the epicenter for this user group conflict in Massachusetts. The conflict is likely heightened in this area given substantial marine congestion. DMF issued permit conditions on the seiners' permits require them to "avoid concentrations of recreational fishing vessels." Throughout the fishing season it is common for DMF to receive numerous complaints of egregious behavior by both commercial seiners and recreational fishers. The conflict was seemingly heightened in 2023, perhaps due the limited availability of menhaden inshore increasing competition between the sectors. This past year we received numerous comments regarding seiners setting their gear in concentrations of recreational fishers, recreational fishers interfering with commercial seining operations, and an unfortunate level of gamesmanship among some recreational interests to inaccurately portray normal seiner behavior as egregious.

In an attempt to publicly discuss this user group conflict, I placed it on the docket of our wintertime public hearings. A large number of Boston Harbor area charter boat operators attended the Gloucester public hearing on February 29 to describe the negative impacts of forage fish removal on their operations

and sought immediate relief by way of closing Boston Harbor to seining<sup>1</sup>. I informed the public I had no intention of closing Boston Harbor. Rather, I preferred a more intimate in-person meeting between the Boston Harbor seiners, some of the more prominent and vocal members of the Boston Harbor recreational fleet, and several MFAC members to discuss how to de-escalate this conflict.

This meeting was held on March 27, 2024 at DMF's Cat Cove facility in Salem. In attendance from the DMF were: myself, Mike Armstrong, Story Reed, Ben Gahagan, Nichola Meserve, and Jared Silva. From the MFAC, we had Mike Pierdinock and Sooky Sawyer. Rob Savino, Mike Delzingo, and Paul Diggins represented for-hire and recreational fishing interests<sup>2</sup>. Eric Lorentzen, Doug Heath and Bobby Roche represented the local seiners (and some of their crew also attended)<sup>3</sup>. Additionally, DMF invited Bob Hannah, a former North Shore seiner with decades of experience fishing Boston Harbor, to attend as well.

The meeting began with DMF providing an overview of menhaden management at the coastwide, state, and harbor level. Then we pivoted to having the fishers discuss how they operate and their views of the conflict. Of particular interest was the concentration of competing fishing activity when the fish were available between Deer Island and Castle Island but limited elsewhere. While no concrete management strategies were agreed to, I believe we have begun to build some rapport among these stakeholders. There was a handshake agreement to communicate more with each other this season.

One concern was how to build this rapport beyond the few dedicated interests in the room and affect the behavior of the rank-and-file recreational fishery. This remains a challenge and a work in progress. DMF will work to improve outreach and education in this regard by getting information out to the public about the menhaden fishery before and during the season. Additionally, Mike Delzingo, one of more influential Boston harbor charter captains, volunteered to act as a liaison to the Boston Harbor recreational fleet through his prominent social media platform.

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<sup>1</sup> At the Gloucester public hearing, DMF eventually requested the public stop providing testimony on the Boston Harbor conflict. This was done to keep the hearing moving as we were behind schedule and needed to move through a busy agenda.

<sup>2</sup> These individuals represent members of the for-hire fleet. DMF attempted to invite certain private recreational anglers known to the agency, but they were not available to attend.

<sup>3</sup> Eric Lorentzen is the primary Boston Harbor seiner. Eric fishes out of Hull and principally fishes within Boston Harbor. Doug Heath is a North Shore seiner with a homeport in Manchester who generally fishes Salem Sound and Gloucester. However, he is permitted to fish Boston and will fish the harbor based on availability. Bobby Roche is a long time commercial fisher out of Hull. He has an inshore net permit to fish Boston Harbor and is interested in starting to fish hand haul gear this year.

## Michael Polisson

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**From:** Michael Polisson [mikepolisson@yahoo.com]  
**Sent:** Monday, March 18, 2024 2:27 PM  
**To:** 'McKiernan, Dan (FWE)'  
**Cc:** 'Reed, Story (FWE)'; 'Beth Casoni'; 'MMFAC@mass.gov'  
**Subject:** mass lobster closure

After reading the ruling in federal court by judge W.G. Young about the reversal of all federal regulations pertaining to NARWhales until 2028 is renew my request for a public hearing to remove lobstering restrictions between 2/1 and 5/15. This will not affect the DAM closure of Cape Cod bay which is one small area and not the whole of Massachusetts waters.

You don't realize the magnitude of this closure on the socioeconomic effects on the lives of the 1700 licensed lobsterfishermen in Massachusetts.

This comes at a time when everyone is trying to make ends meet and feed their families.. high interest rates, soaring inflation and rising consumer costs make it even worse

This closure comes at a time when lobster prices have gone up to a new all time high boat price of \$12.50 (3-13-2024)

No other state is prohibited from fishing and catching these HIGH PRICED LOBSTERS and selling them here in our state

Also to mention that this 3+ month closure is really closer to five considering you can't just haul 800 traps in during December and January due to weather and safety conditions.

So realistically you're looking at possibly 5 months with reduced or no income due to the closure.

Remember it's no easy task to haul in 800 traps at possibly the worst time of the year. Remember this the time of year when the weather can make it very dangerous.

This is the important part of the equation:

A, we have never killed a NARW in Mass

B, Last entanglement was in 2009 and it was released to swim away

C, lobsterfishermen in Mass have spent probably over a million dollars on gear modifications in the last 10 years to reduce the risk to NARW.

d. Has it helped????? BIG FAT NO !!!!! their numbers are still not recovering and it's not because of lobstermen

BTW .....withdraw your application to NOAA for the incidental catch permit WE DON'T NEED IT!!!!

Thank you for your consideration

Michael Polisson,  
Lobsterfisherman  
Commercial Fisheries Consultant  
Older and hopefully a little wiser

