



The Commonwealth of Massachusetts

Division of Marine Fisheries

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MEMORANDUM

TO: Marine Fisheries Advisory Commission (MFAC)

FROM: Daniel J. McKiernan, Director

DATE: August 12, 2022

SUBJECT: **Mobile Gear Area 1A Open Season Extension**

Overview

I plan to take to public hearing a proposal to extend the season whereby vessels can fish within mobile gear Area 1A – Gloucester/Rockport (Figure 1). Current regulations open this area to mobile gear fishing from February 1 – March 31, whereas the proposal would keep the area open through May 15. Given overarching groundfish mortality closures, this extension would principally accommodate sea scallop dredge fishing, should there be an abundant set in the area.

Background

Dating back to 1931, mobile gear fishing has been prohibited in nearshore state waters (approximately the 3-mile line) from Winthrop to the New Hampshire maritime border. This closure was first implemented by the legislature to prevent gear conflicts between trap fishermen and mobile gear fishermen, effectively allocating the inshore waters to the trap fishery. Then in the 1960s and 1970s, when regulatory authority was given over to DMF and the MFAC, the closure was maintained. However, throughout the 1970s, several exemptions were carved out to accommodate mobile gear fishing at times and places where lobster fishing activity was more limited. This includes the 1978 opening of Area 1A from February 1 – March 31.

As of 2021, DMF and the MFAC closed trap gear fishing in state waters off Cape Ann from February 1 – May 15. While DMF may rescind the closure before May 15, should seasonal aggregations of endangered right whales diminish, it typically takes several weeks for trap densities to increase. As such, there is limited opportunity for gear conflicts should mobile gear fishing be allowed to continue in Area 1A through April and into mid-May.

Based on anecdotal reports from industry, there have been several years (including 2022) when there were commercially viable sets of sea scallops within Area 1A. The March 31 mobile gear closure date restricts scallop dredge gear access to such areas of exploitable scallop biomass. This particularly impacts state-waters only boats, who cannot move into adjacent federal waters and continue to fish for sea scallops.

For these reasons, I am moving forward a proposal to amend the Area 1A open season for mobile gear from February 1 – March 31 to February 1 – May 15. This should provide mobile gear fishermen, particularly those who may only fish for sea scallops in state waters, with additional opportunities to pursue the resource should it be commercially viable. Additionally, given the timing of the state’s protected species fixed gear closures, I do not expect this activity to produce gear conflicts with the lobster fleet. It is notable that sizeable scallop sets could draw in effort from federal scallop permit holders who also hold a “Coastal Access Permit—North Shore”, which authorizes the towing of mobile gear in this exempted area of state waters.

I do not anticipate this action will result in a substantial increase to state waters groundfish fishing effort. There are only a handful of draggers who actively fish in state waters for groundfish. Additionally, there are overlapping groundfish mortality closures that restrict trawl gear in the area during mid-to-late April and throughout all of May. This includes the April 15 – April 30 groundfish closure in all state waters north of Plymouth and the May 1 – May 31 groundfish closure in all state waters north of Boston.

Figure 1. Map of North Shore Mobile Gear Closure and Area 1A

