

Public Hearing: Closure of Cape Cod Canal to Commercial Striped Bass Fishing

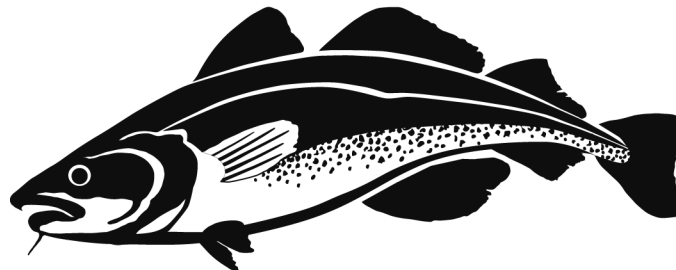
6PM

August 3, 2020

Virtually Via Zoom

<https://bit.ly/39AqfXo>

Marine Fisheries
Commonwealth of Massachusetts



Public Hearing

Under the provisions of M.G.L. c. 30A and pursuant to the authority found at M.G.L. c. 130 §§ 2, 17A, 80 and 104, the Division of Marine Fisheries (DMF) and the Marine Fisheries Advisory Commission have scheduled a public hearing and a public comment period to accept comment on recently enacted emergency regulations at 322 CMR 6.07 to close the Cape Cod Canal to commercial striped bass fishing.

Written public comments will be accepted through 5:00 PM on Friday, **August 14, 2020**. Please address all comments to Director Daniel McKiernan. Comments are to be sent by e-mail to marine.fish@mass.gov or by mail to 251 Causeway Street, Suite 400, Boston, MA 02114.



Virtual Rules of Engagement

- Purpose of the hearing is to afford interested parties an opportunity to submit data, opinions, comments, or arguments on specific amendments being proposed, or to offer how the proposed amendment can be changed to minimize the impact on those affected while still achieving goals.
- At the conclusion of this presentation, DMF will first accept clarifying questions regarding the proposal and then will accept public comment. Public comment is to be directed at the DMF; the hearing is not a forum for discussion, debating, arguing or otherwise having dialogue. The hearing will be recorded, and questions and comments are part of the public record.
- All members of the public will be muted throughout the meeting. To participate, the public is required to use the raise hand function. This will create a queue for questions and comments. DMF will recognize individuals when it is their turn to speak. They will then be unmuted for the duration of their question or comment. Commenters will be provided three (3) minutes person per hearing item. Follow-up comments may be allowed after all other persons have had an opportunity to speak.
- The written chat function will be enabled and DMF will be answering questions through this function. This chat function will become part of the public record of the hearing.



Virtual Rules of Engagement (cont.)

- Participants must conduct themselves in a professional and courteous manner. Individuals may be permanently muted or removed from the meeting based on their conduct.
- It is not necessary for you to comment during this virtual hearing to register your concerns. Please feel free to use this virtual hearing for informational purposes and submit written comments later. The record will remain open through Friday August 14th.



July 31, 2020

Division of Marine Fisheries

Slide 4



Overview of the Canal

- Cape Cod Canal is a federal property managed by the Army Corps of Engineers (ACOE).
- Primary mission is to provide safe navigation through the waterway. However, ACOE manages the property with the secondary purpose of providing diverse recreational opportunities on the property, including fishing.
- Canal is a highly popular shoreside fishing location, particularly for striped bass, given nearshore access to deep water, miles of fishable coastline, and seasonal abundance of large fish.
- Fishing from a vessel in the Canal is prohibited under ACOE's authority to manage navigation, but ACOE does not regulate shoreside fishing activity.



Fishing Related Problems at the Canal

- MEP have identified Canal as area where extensive striped bass poaching occurs, with numerous substantial violations occurring over several years. These incidents were widely captured in local press.
- ACOE, MEP, and local PDs have reported problematic and illegal activity by fishermen. This includes violent and threatening behavior, trespassing, illegal parking, public urination/defecation.
- ACOE, MEP, and local PDs all report that poaching and public nuisance issues are much worse on open commercial fishing days and are driven by commercial fishing activity.
- ACOE has indicated that angler behavior is interfering with management of property for recreational purposes.



Photo Credit: Cape Cod News



July 31, 2020

Division of Marine Fisheries

Slide 6



Emergency Action for 2020

Action:

- Prohibit the retention of striped bass measuring 35" or greater along Canal.
- Prohibit the retention of more than one striped bass per angler within the recreational slot limit (28" to less than 35") along the Canal.
- Restrict the commercial possession of striped bass within 1,000 feet of the Canal shoreline. Exceptions for fish lawfully caught elsewhere and is being actively transported by a vessel or vehicle to a seafood dealer for sale.
- Canal is defined all waters bounded by the state pier at Taylor's Point to the northern breakwater jetty at the east end to the southern breakwater jetty at the east end to the end of President's Road in Bourne.

Rationale:

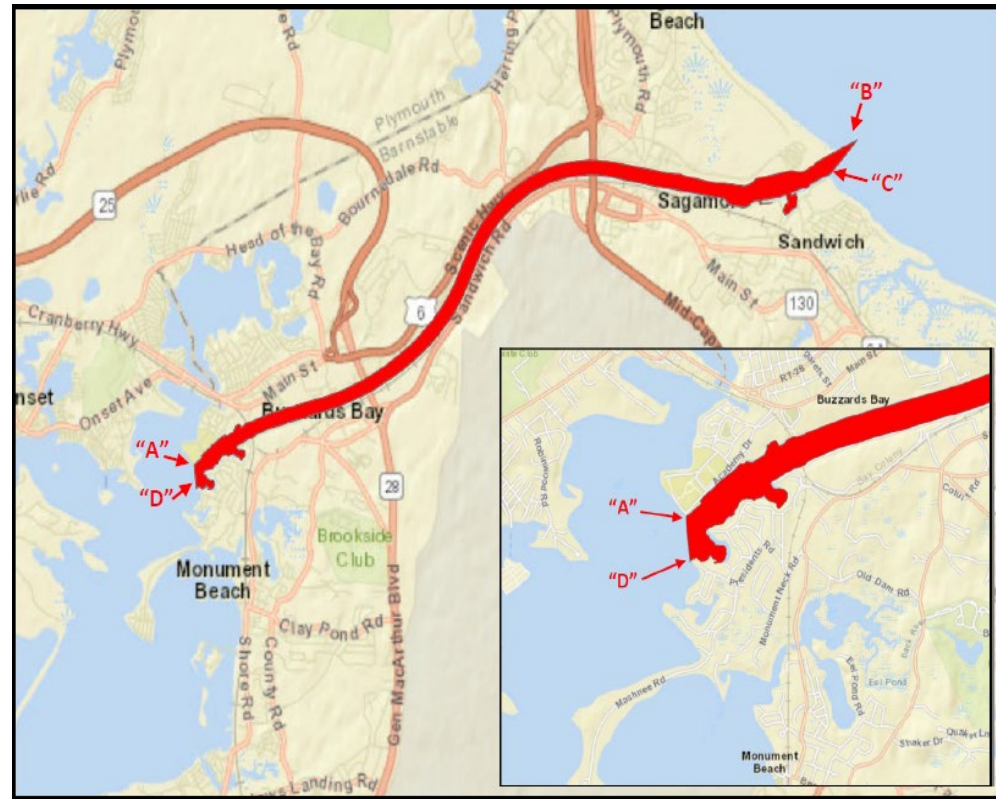
- Responsive to comments received by MEP, ACOE and local PDs.
- ACOE's March 31, 2020 letter to DMF made a strong case that commercial striped bass fishing along the Canal was negatively impacting their ability to provide recreational opportunities at the property.
- Recent changes in commercial and recreational striped bass size limits provide unique opportunity for enforcement.



Public Hearing Proposal

Proposal

1. Codify emergency regulation as a final regulation.
2. Prohibit the retention of striped bass measuring 35" or greater along Canal or in a quantity of more than one legal sized recreational fish (28" to less than 35") per angler.
3. Restrict the commercial possession of striped bass within 1,000 feet of the Canal shoreline. Exceptions for fish lawfully caught elsewhere and is being actively transported by a vessel or vehicle to a seafood dealer for sale.



The Canal is defined as: ("A") all waters bounded by the state pier at ("B") Taylor's Point to the northern breakwater jetty; ("C") at the east end to the southern breakwater jetty at the east end; ("D") to the end of President's Road in Bourne.



July 31, 2020

Division of Marine Fisheries

Slide 8



Comments

Written public comments will be accepted through 5:00 PM on Friday, **August 14, 2020**. Please address all comments to Director Daniel McKiernan. Comments are to be sent by e-mail to marine.fish@mass.gov or by mail to 251 Causeway Street, Suite 400, Boston, MA 02114.



July 31, 2020

Division of Marine Fisheries

Slide 9

