

2020 Regulatory Adjustments

March 10, 2020
 Media Room
 Coolidge Middle School
 89 Birch Meadow Drive
 Reading, MA

March 12, 2020
 Kathryn Cornell Theater
 Tisbury Town Hall
 51 Spring Street
 Vineyard Haven, MA

March 12, 2020
 Admiral's Hall
 MA Maritime Academy
 101 Academy Drive
 Buzzards Bay, MA

MarineFisheries
 Commonwealth of Massachusetts



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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 public hearings and a public comment period to accept comment on draft regulatory proposals at 322 CMR §§ 6.00, 7.00 and 9.00.

Written public comments will be accepted until 5:00 PM on Monday, **March 16, 2020**. Please address all comments to Acting 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.



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Public Hearing Rules of Engagement

- Purpose of 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.
- The hearing is not a forum for discussion, debating, arguing or otherwise having dialogue. Clarifying questions only may be asked.
- Three (3) minutes will be allowed per person per hearing item. A follow-up comment may be made after all other persons have had an opportunity to speak. Persons not recognized by the hearing officer are requested to refrain from talking while a speaker is recognized.
- Persons providing comments are strongly encouraged to read all proposed rules. DMF staff is available to discuss proposals to assist in your preparation.



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Overview

- For-Hire Permit Clarification
- Recreational Bluefish Bag Limit
- Recreational Striped Bass Slot Limit, Circle Hooks & Removal from Water
- Commercial Striped Bass Season, Open Days, and Size Limit
- Commercial Menhaden Quota Management & Permitting Rules
- Commercial Black Sea Bass Open Days, Trip Limits & Bycatch Allowances
- Commercial Summer Flounder Trip Limits
- Commercial Horseshoe Crab Trawl Incidental Limit
- Sand Lance Possession Limit
- Edible Crabs Regulatory Housekeeping
- Sea Herring Incidental Limit & Spawning Protection
- Coastal Lobster Permit Disability Transfers
- Coastal Lobster Trap Allocation Transfer Minimums
- Sale of Fish to Primary Buyers



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For-Hire Permit Clarification

Proposal

Make explicit in regulation that the for-hire permit covers both 1) the recreational fishing activity of all anglers onboard the named for-hire vessel during a for-hire trip; and 2) the private recreational angling of the named permit holder (whether on the named vessel or not).

Rationale

To address persistent questions about what recreational fishing activity is covered by a recreational for-hire permit, consistent with the legal basis for the permit and prior DMF guidance on the subject.

Background

- In 2011, DMF implements recreational saltwater fishing permit requirement.
- Regulations exempted “passengers” aboard for-hire vessels from needing to hold an individual permit; “passengers” was intended to cover only paying patrons.
- For-hire permits were then conditioned to cover the private recreational fishing activity of the permit holder. This allowance has been reflected in the annual for-hire notice.



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Recreational Bluefish Limits

Proposal

Adopt a 3-fish bag limit for anglers fishing from shore or a private vessel and a 5-fish bag limit for anglers fishing from a for-hire vessel.

Year	Open Season	Bag Limit	Size Limit
2019 (and prior)	Year Round	10-fish per angler	N/A
2020	Year Round	3-fish (shore & private vessel) 5-fish (for-hire vessel)	N/A

Rationale

Necessary for compliance with the interstate FMP and intended to prevent overfishing the resource.



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Recreational Bluefish Limits

Background

- Bluefish is managed jointly by ASMFC and MAFMC FMPs.
- 2020 RHL = 9.48 mlb. An expected coastwide harvest under status quo regulations of 13.27 mlb was used to determine a 28.56% harvest reduction.
- ASMFC & MAFMC selected the 3- and 5-fish bag limits as coastwide measures.
 - Projected % reduction by state varies, but collectively achieves 28.56%.
 - Avoided size limit b/c of bait & snapper fishery impacts; avoided closed season b/c of uneven impacts across states.
 - Split mode supported b/c of smaller for-hire contribution to overall harvest, plus business concerns.



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Striped Bass Management

Commercial and Recreational Proposals are a consequence of:

- 1) Mandatory ASMFC actions in response to stock status, or
- 2) Discretionary management measures to improve
 - Conservation,
 - Compliance, and/or
 - Fishery Performance

Next Slides:

- 1) Stock Status
- 2) Addendum VI
- 3) Recreational Proposals, Rationale, and Background
- 4) Commercial Proposals, Rationale, and Background



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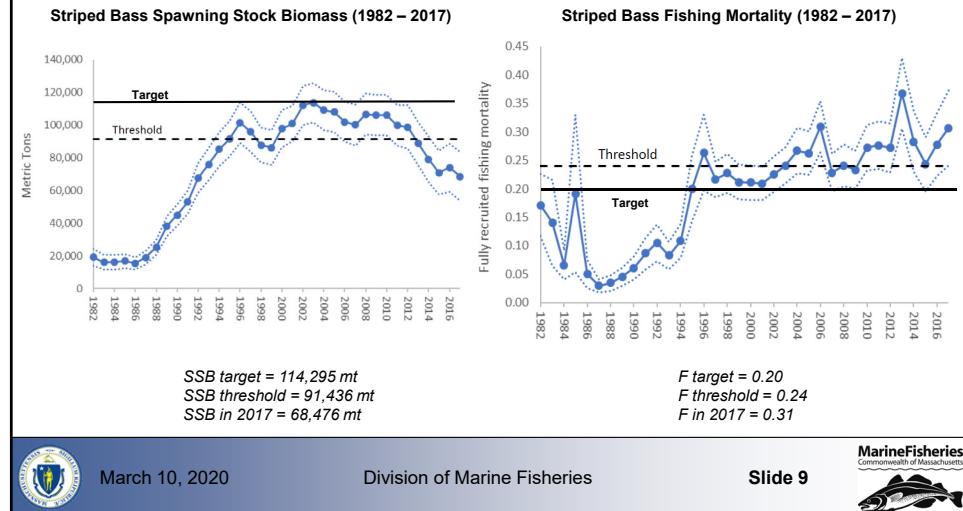


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Striped Bass Stock Status

Recent Assessment Findings:

- Overfished (below SSB threshold) with overfishing occurring (above F threshold).

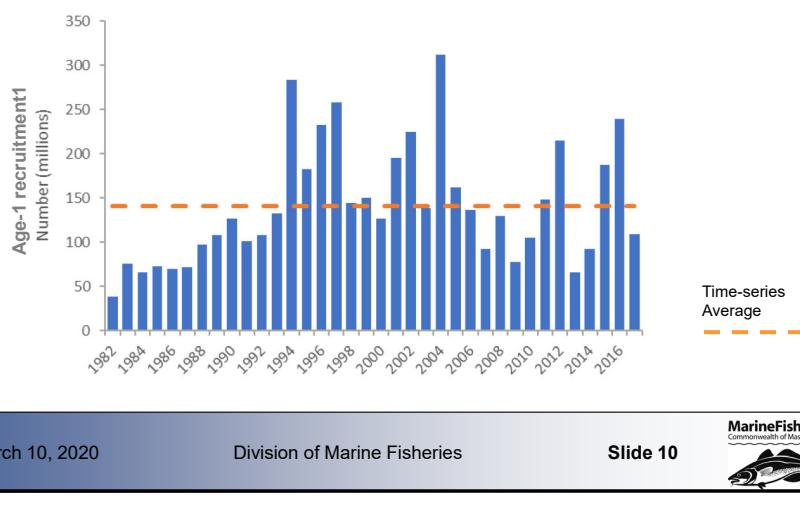


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Striped Bass Stock Status

Recent Assessment Findings:

- Recruitment has been below average over most of last decade with several above average year classes mixed in.

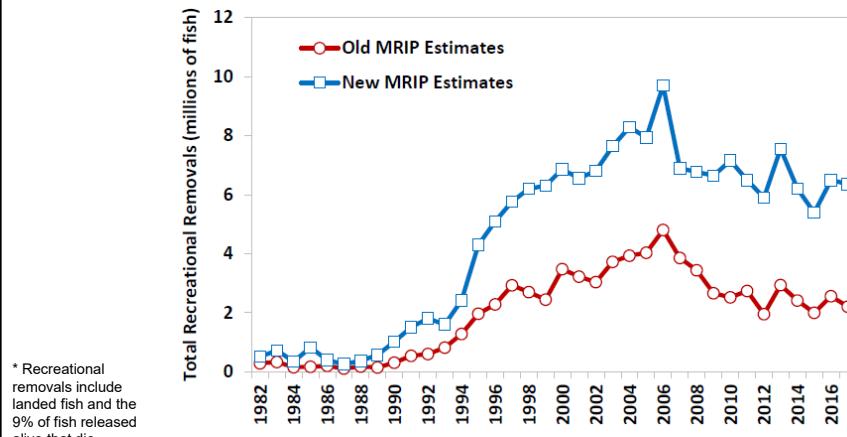


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Striped Bass Stock Status

Recent Assessment Findings:

- Assessment includes recalibrated MRIP data.



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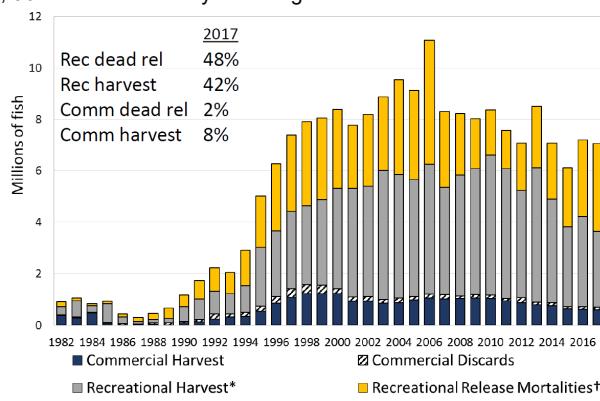


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Striped Bass Stock Status

Recent Assessment Findings:

- Removal rates have been steady over past decade.
- Recreational fishery is responsible for 90% of coast-wide fishery removals, with release mortality responsible for more than half the recreational removals. MA fishery
- Coastwide, 90% of recreationally fish caught are released.



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Striped Bass Addendum VI

Overview of Addendum VI

- ASMFC approved in October 2019.
- Goal 1: End overfishing in 2020 through an 18% cut in removals from 2017 levels.
 - Achieved by: (1) 18% cut to commercial quotas; (2) 1 fish 28" to < 35" slot limit for recreational coastal fishery; (3) 1 fish 18" minimum for recreational CB fishery.
 - Or approved Conservation Equivalencies.
 - Implementation by April 1, 2020.
- Goal 2: Reduce recreational release mortality.
 - Achieved by circle hook requirement for recreational fishing with natural bait.
 - States may request exemptions.
 - Implementation by January 1, 2021.



Source: www.capecodtoday.com



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Recreational Striped Bass Slot Limit

Proposal

Adopt a slot limit that would allow the recreational retention of striped bass measuring at least 28" but less than 35", replacing the existing minimum size of 28".

Year	Season	Bag Limit	Size Limit
2019 (and prior)	Year Round	1-fish per angler	28" minimum
2020	Year Round	1-fish per angler	28" to <35" slot limit

Rationale

Necessary for compliance with the interstate FMP and intended to end overfishing.

Background

- MA does not have an approved conservation equivalency (CE).
- CE would have required additional restrictions in MA to achieve 18% reduction in 2017 removals (e.g. 39" minimum size).
- MA advocating for uniform slot along coast, esp. in northeast.



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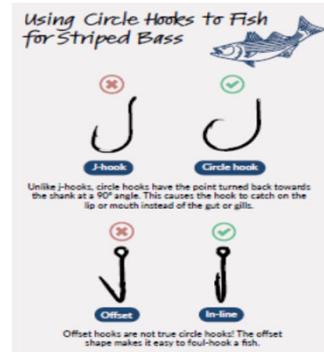


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Recreational Use of Circle Hooks

Proposal

Eliminate exemptions in the state's existing circle hook rule for anglers aboard for-hire vessels (in 2021) and certain terminal tackle configurations (as soon as 2020).



Rationale

- For compliance with ASMFC if necessary, and/or
- To remove terminal tackle exemptions that may be prone to foul-hooking fish.

Background

- Current rule: *Effective 1/1/20, private recreational anglers fishing for or in possession of striped bass shall use inline circle hooks when fishing with whole or cut natural baits, except when using any artificial lure or weighted treble hook designed to be trolled, cast and retrieved, or vertically jigged.*
- MA request for exemptions to be reviewed by ASMFC later this year.
- Concern about foul-hooking with snag & drop with treble hooks.



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Recreational Use of Non-Lethal Devices

Proposal

Require all recreational anglers to remove striped bass from the water using a non-lethal device. Define non-lethal device as any tool involved in the removal and release of striped bass from the water that does not pierce, puncture, or otherwise cause invasive damage to the fish that may result in its mortality.

Rationale

- Ongoing concerns regarding recreational release mortality and its contributions to overall mortality, as raised by MFAC.
- MA fishery is predominately catch and release.
- New slot limit requires larger fish be released and diminishes need to gaff large fish to be retained.
- Tools like dip nets and boga grips allowed.
- Not proposed for commercial sector because they target and retain larger fish.



Photo credit: The Hull Truth



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Comments

Slot Limit Proposal

Adopt a slot limit that would allow the recreational retention of striped bass measuring at least 28" but less than 35", replacing the existing minimum size of 28".

Circle Hook Proposal

Expand the state's existing circle hook rule to apply to all recreational fishing for striped bass with natural bait, thus eliminating the current exemptions for anglers aboard for-hire vessels (in 2021) and certain terminal tackle configurations (as soon as 2020).

Non-Lethal Device Proposal

Require all recreational anglers to remove striped bass from the water using a non-lethal device. Define non-lethal device as any tool involved in the removal and release of striped bass from the water that does not pierce, puncture, or otherwise cause invasive damage to the fish that may result in its mortality.



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Commercial Striped Bass Minimum Size

Proposal

Increase commercial minimum size from 34" to 35".

Rationale

- Segregate recreational and commercial fisheries based on minimum size, improving enforcement and compliance issues.
- Simplify management by eliminating need for fin clipping rule and the complicated allowance for sale of fish from charters.



Photo Credit: www.capecodislands.org

Concerns

- May slow utilization of the quota, and eliminate access in some areas.
- Further focuses commercial harvest on larger fish.
- May limit access to NY market because of max size (38").



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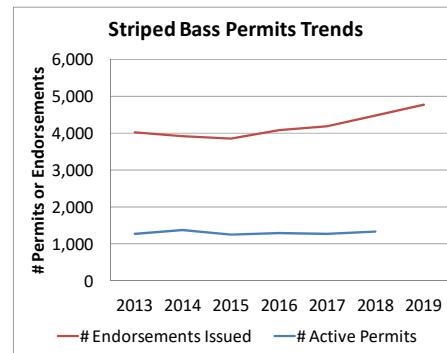


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Commercial Striped Bass Minimum Size

Other Options Not Proposed

- 28" minimum size (requires quota to be reduced from 713,246 to 658,260 lb)
- 28" to < 35" slot limit (requires quota to be reduced from 713,246 to 454,027 lb)
- Concerns with both options:
 - Quota could be consumed too quickly.
 - Would make commercial fishery more accessible and potentially activate latent effort.
 - Limited segregation of sectors based on size would result in continued enforcement and compliance challenges (e.g., Cape Cod Canal).



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Commercial Striped Bass Season & Open Days

Proposal

1. Move the season opening from June 23 to as early as June 1.
2. Move the open fishing days from Monday/Thursday to Monday/Wednesday.

Rationale for Earlier Start

- Earlier season spreads out fishery over time and space.
- Provides additional fishing opportunities to harvest quota.
- Would help offset increase in minimum size.
- Not expected to impact effort or enforcement.
- Provide springtime access to a rod and reel fishery.

Rationale for Open Day Change

- Eliminate conflicting open fishing days with black sea bass fishery (i.e., Sun/Tue/Thu starting July 9).
- Fish caught on Wednesdays can be more readily processed and shipped out for weekend market.



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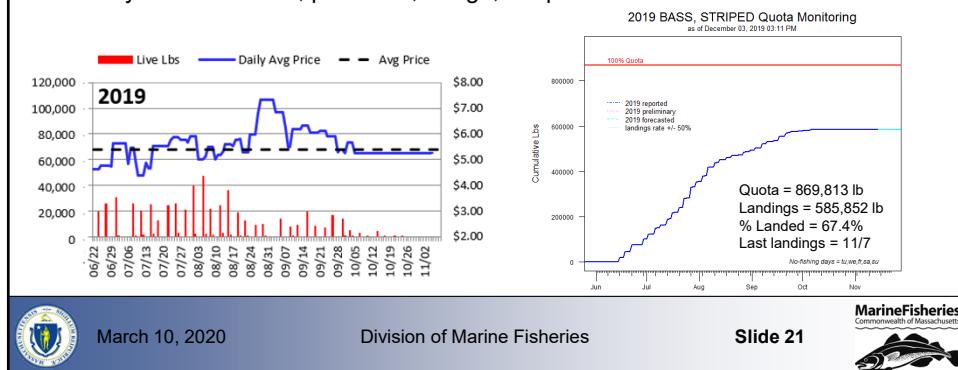


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Commercial Striped Bass Management

Background

- Current conservative rules implemented in 2014 to slow harvest & extend season no longer align with recent fishery conditions, esp. around Cape Cod.
 - Lower daily landings; quotas not achieved.
 - Additional rule changes contributed: 15-fish bag restricted to boat named on permit (2017); Labor Day closed (2018); July 4 & Labor Day closed (2019).
 - Fewer readily accessible aggregations of large fish; driven by stock size, year class effect, predation, forage, temperature.

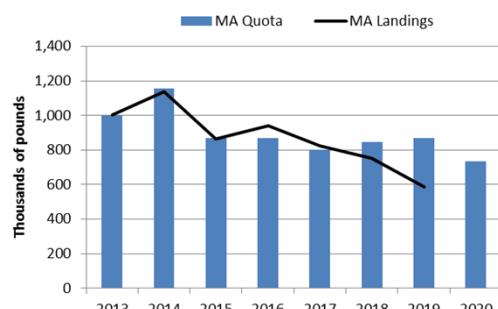


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Commercial Striped Bass Management

Background

- 2020 Quota Under Addendum VI:
 - Reduced 18% from 869,813 lb to 713,247 lb, assuming a 34" minimum size.
 - Changes to minimum size affect the quota (to maintain SPR).
 - 35" minimum size results in 735,240-lb quota.
- 2020 quota is projected to not be taken under status quo rules, effort, and stock conditions.
- Dec 2019: Ad-hoc panel of commercial fishermen and dealers convened to review commercial striped bass management in the context of recent performance and Addendum VI.



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Comments

Minimum Size Proposal

Increase commercial minimum size from 34" to 35".



Start Date Proposal

Start commercial season as early as June 1.

Open Fishing Day Proposal

Adopt Monday/Wednesday as open fishing days.

Quota	Season	Open Days	Trip Limit	Size Limit
869,813 lb. 735,240 lb.	June 23 – Quota June 1 – Quota	Mon/Thu Mon/Wed	15-fish (vessel based) 2-fish (non-vessel)	34" min. 35" min.

- No July 3 or July 4 closures until 2022 based on calendar .
- May make in-season adjustments to limits to obtain quota.



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Commercial Menhaden Quota Management

Proposal

- Rescind the limited access fishery's 95% quota trigger, resulting in a 25,000-lb trip limit from 85%–100% of quota use.
- Replace the 1,000-lb bycatch tolerance allowed after the quota is taken with a 6,000-lb incidental catch and small-scale fishery allowance.
- Adopt new regulations to allow MA to potentially opt into the interstate FMP's episodic event quota set-aside afforded to states from ME to NY.

Rationale

- Trip Limit: Fully utilize MA's menhaden quota to supply bait to commercial and recreational fisheries, and provide for access to episodic event set-aside.
- Bycatch: Consistency with interstate FMP and other states' management. Not anticipated to increase landings significantly.
- Episodic Events: Provide access to additional quota when warranted by stock conditions as provided for in interstate FMP, thereby aligning access opportunity within northeast region.



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Commercial Menhaden Quota Management

Background

- New state management in 2013, in response to Amendment 2:
 - Took a conservative approach to managing our 1st state allocation (0.84%, ~ 3 mlb initially): tiered permits, quota triggers & trip limits.
 - Took a more conservative approach than the 6,000-lb bycatch allowance based on FMP definition of being for non-targeted catch.
 - No immediate need for the 1% episodic event set-aside, so did not adopt implementing regulations.
- Changes in management & fishery since 2013:
 - Increase to coastwide TAC (robust stock) & MA allocation (1.27%, ~6 mlb). Received transfers in 2019.
 - The 5% of quota for small-scale users (~300,000 lb) is not being taken; excessive for their needs & larger vessels opting out b/c of low limit.
 - The FMP has clarified the bycatch allowance as being both for non-directed harvest as well as directed small-scale harvest.
 - MA participants would like MA to offer EESA access. Can not opt in until after the state's quota is taken. ME, RI, and NY have used previously.



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Comments

Trip Limit Trigger Proposal

Rescind the limited access fishery's 95% quota trigger, resulting in a 25,000-lb trip limit from 85%–100% of quota use.

Bycatch Allowance Proposal

Replace the 1,000-lb bycatch tolerance allowed after the quota is taken with a 6,000-lb incidental catch and small-scale fishery allowance.

Episodic Event Set Aside Proposal

Adopt new regulations to allow MA to opt into FMP's episodic event set-aside.

Fishery	Limited Entry Trip Limit	Open Access Trip Limit
Quota Fishery (< 100% of quota)	0 to 85% Quota = 125,000 lb 85 to 95% Quota = 25,000 lb 95 to 100% Quota = 6,000 lb 85 to 100% Quota = 25,000 lb	6,000 lb
Bycatch Allowance (≥ 100% of quota)	1,000 lb (<5% catch by weight) 6,000 lb	1,000 lb (<5% catch by weight) 6,000 lb
Episodic Events (1% of TAC)	120,000 lb	N/A



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Commercial Menhaden Permitting Proposal

Proposal

1. Adopt a May 1, 2020 control date for the limited entry (LE) fishery;
2. Establish an owner-operator requirement for LE fishery.

Rationale

- Low herring quotas are driving increased demand for alternative bait.
- Increased interest in participation in MA's LE menhaden fishery.
- Substantial latent effort in LE fishery; activation could disrupt historical user access & create user group conflicts (e.g., with recreational fishermen).
- Control date would provide tool to limit emerging effort, subject to rulemaking.
- Owner-operator requirement would control potential permit leasing to hired captains, also enhances compliance
- All current LE operations are owner-operator.

Year	Permits Issued	Permits Fished	Latent Permits
2014	60	3	57
2015	58	2	56
2016	58	6	52
2017	61	7	54
2018	62	9	53
2019	62	5*	57*

* preliminary



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Overview

- For Hire Permit Clarification
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- Commercial Striped Bass Season, Open Days, and Size Limit
- Commercial Menhaden Quota Management & Permitting Rules
 - Commercial Black Sea Bass Open Days, Trip Limits & Bycatch Allowances
 - Commercial Summer Flounder Trip Limits
 - Commercial Horseshoe Crab Trawl Incidental Limit
 - Sand Lance Possession Limit
 - Edible Crabs Regulatory Housekeeping
 - Sea Herring Incidental Limit & Spawning Protection
 - Coastal Lobster Permit Disability Transfers
 - Coastal Lobster Trap Allocation Transfer Minimums
 - Sale of Fish to Primary Buyers



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Commercial Black Sea Bass

Proposals

- Increase bycatch limit during small-mesh squid fishery from 50 lb to 100 lb, maintaining the 50,000-lb aggregate cap.
- Revise trawl trip limit from 150 lb on open BSB days (3 per week) to 100 lb on open fluke days (5 per week).
- Directed fishing days and trip limits:
 1. Status quo with potential for in-season adjustments based on quota use.
 2. Increase pot trip limit to 400 lb and hook & line trip limit to 200 lb, while maintaining existing open days (Sun/Tue/Thu). Preferred option.
 3. Increase pot trip limit to 450 lb and hook & line trip limit to 300 lb, but reduce open days to 2 per week (Sun/Thu), for equivalent weekly harvest potential.
- Increase the weir fishery set-aside from 15,000 lb to 24,000 lb.

Rationale

- Utilize the 59% increase in the state's quota for 2020, while maintaining or increasing value to vessels.
- Reduce regulatory discarding of legal sized fish in trawl fisheries.
- Negative effects associated with lost weather days of the 2 day/week option.



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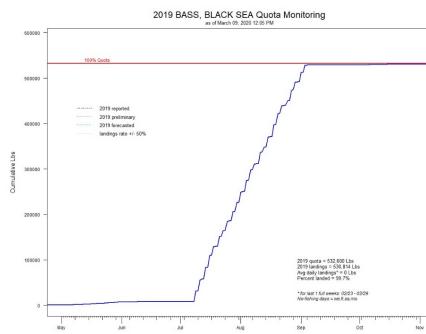


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Commercial Black Sea Bass

Background

- 2019 Fishery Performance
 - 530,814 lb landed
 - 457,600-lb quota + 75,000-lb transfer
 - Directed season: 7/9 – 9/3 (25 days), avg daily landings of ~21,000 lb.
- 2020 Quota: 725,400 lb; how to best utilize discussed with ad hoc industry panel.



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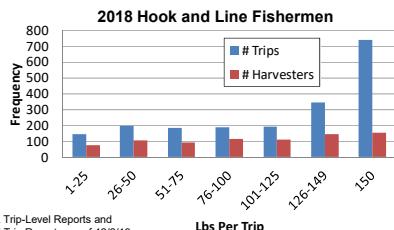
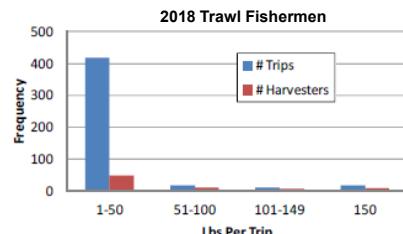


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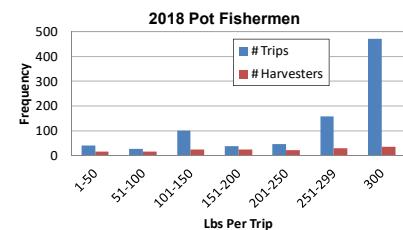
Commercial Black Sea Bass

Background

- Trip Limit Analysis
 - Trawl vessels primarily land ≤50 lb (graph includes both small mesh bycatch and summer BSB season). Overall < 3% of landings.
 - Rod & reel and potters frequently limit out at existing limits.



SOURCE: MA Trip-Level Reports and federal Vessel Trip Reports, as of 12/2/19.



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Commercial Black Sea Bass

Other Options Not Proposed

- Eliminate Sunday as open day.
 - Would result in either a two-day week, overlap with striped bass fishery, consecutive fishing days, or Friday as an open day.
- Allow a directed springtime (May/June) fishery.
 - Fish highly aggregated near shore will produce very high catch rates
 - Availability may activate latent effort; also causing user group conflicts.
 - Peak spawning season.
 - Difficult to monitor quota; compliance & enforcement issues.
 - Low release mortality rate of rod & reel gear.

Endorsement	2013	2014	2015	2016	2017	2018	2019
Sea Bass Pot	58	58	57	57	57	57	56
Active Pot	43	46	42	39	45	37	N/A
Sea Bass	1,610	1,504	1,419	1,367	1,316	1,260	1,223
Active Non-pot	366	328	342	345	371	339	N/A



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Comments

Trawl Bycatch Proposals

Increase the bycatch limit during the small mesh squid fishery to 100 lb, and reduce the trawl trip limit from 150 lb on open BSB days (3 per week) to 100 lb on open fluke days (5 per week).

Directed Fishery Proposal

Increase directed pot trip limit to 400 lb and hook & line limit to 200 lb and maintain existing open fishing days (Sun/Tue/Thu).

Weir Set-Aside Proposal

Increase the weir fishery set-aside from 15,000 lbs to 24,000 lbs.

Season	Gear	Open Days	Trip Limit	Min Size
Jan 1-Mar 31	All	Sun – Sat	100 lb	12"
Apr 1–Quota	Weirs	Sun – Sat	No limit (15,000-lb-24,000-lb cap)	12"
Apr 23–Jun 9	Small mesh	Sun – Sat	50-lb-100 lb (50,000-lb cap)	12"
Jul 8–Quota	Traps	Sun/Tue/Thu	300-lb-400 lb	12"
Jul 8–Quota	Hook & Line	Sun/Tue/Thu	150-lb-200 lb	12"
Jul 8–Quota	Nets	Sun/Tue/Thu	150-lb-100 lb	12"
Jun 10–Quota		Sun – Thu		



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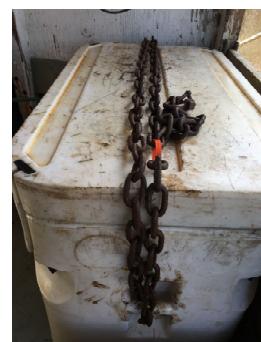
Commercial Summer Flounder

Proposals

- Increase trip limits during the summertime fishery by ~30%.
- Renew the pilot program allowing trawlers to retain and land two consecutive days' limits of summer flounder provided catch is segregated and tagged.
- During period of Nov 1–Dec 1, open all days to harvest and increase trip limit to 500 lb if \leq 5% of quota remains or 1,000 lb if $>$ 5% quota remains.

Rationale

- Quota increased by ~80% for 2019–2021; may not be taken under status quo rules and performance.
- Dealers contend limits could likely be increased without impacting summertime ex-vessel value.
- Positive response to 2019 pilot program.
- Provide offshore wintertime fishery greater access to remaining quota not taken by summertime fishery.



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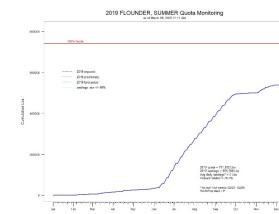
Commercial Summer Flounder

Background

- 2019 Management: No regulatory changes for 80% quota increase due to timing.

Allocation	Season	Gear	Open Days	Trip Limit	Size
30%	Jan 1–Jan 31	All	N/A	0 lb	N/A
	Feb 1–Apr 22	All	Sun – Sat	500 lb	14"
70% (plus any remainder from PI)	Apr 23–Jun 9	Nets, Longlines	Sun – Sat	100 lb	14"
		Handlines	Closed	0 lb	NA
	Jun 10–Dec 31	Nets	Sun – Thu	300 lbs	14"
		Hook & Line	Sun – Thu	200 lbs	14"

- 2019 in-season adjustments to utilize quota:
 - 8/26–10/31: Pilot program for trawlers
 - 9/21–10/31: Added Saturday.
 - 11/1–12/31: Open 7 days at 1,000 lb.
- 2020 Period I regulatory changes:
 - Open January; increase limit to 1,000 lb.



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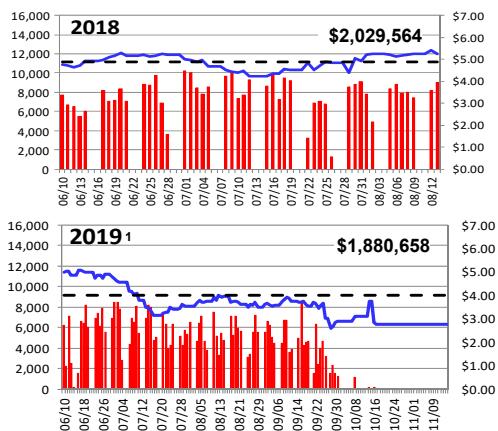


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Commercial Summer Flounder

Background

- 2019 Fishery Performance
 - Landings: 551,300 lb (74% of 741,532-lb quota)
 - 1/1–4/22: 38,095 (5%)
 - 6/10–10/31: 461,197 (62%)
 - 11/1–12/31: 52,038 (7%)
 - Period I underutilized.
 - Reduced ex-vessel value driven by small grade fish & increased quota coastwide.
 - Trend of lower annual effort.



Endorsement	2013	2014	2015	2016	2017	2018	2019
Issued	791	771	739	721	697	674	658
Active	266	209	224	223	180	163	N/A

SOURCE: SAFIS Dealer Reports, as of 11/25/19
 * Confidential Data Not Displayed
 1 Preliminary



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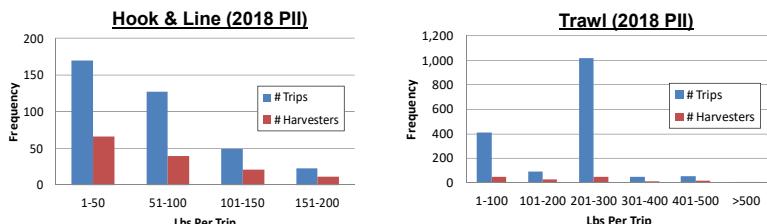


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Commercial Summer Flounder

Background

- 2020 Performance to Date (Quota = 786,399 lb):
 - Period I in-season adjustment: 2,000-lb trip limit on Feb 23.
 - Pilot Program established to allow possession of multiple state limits.
 - Period I landings (as of 3/10/20): 88,386 lb (11% of annual quota).
- December 2019 public meeting indicated interest in:
 - Increasing trip limits to maintain trip value. Trawlers do frequently limit out.
 - Renewing pilot program and starting it earlier in the season.
 - Leaving the fishing days and season start date as is.



SOURCE: MA Trip-Level Reports and
federal Vessel Trip Reports, as of 12/2/19



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Comments

June 10 – October 31 Trip Limit Increase Proposal

Increase trip limits from 300 lb to 400 lb for trawls, and from 200 lb to 250 lb for hook & line.

Summertime Pilot Program for Trawlers

Renew the pilot program as soon as June 10.

November 1 – December 31 Trip Limit and Open Fishing Day Proposal

Open all days to harvest and increase trip limit to 500 lb if $\leq 5\%$ of quota remains or 1,000 lb if $> 5\%$ quota remains.

Season	Gear	Open Days	Trip Limit	Size Limit
Apr 22 – Jun 9	Nets	Sun – Sat	100 lb	14"
	Longlines	Sun – Sat	100 lb	14"
	Handlines	Closed	0 lb	NA
Jun 10 – Dec 31	Nets	Sun – Thu	300 lb – 400 lb	14"
	Hook & Line	Sun – Thu	200 lb – 250 lb	14"
Nov 1 – Dec 31	All Gear	Sun – Sat	1,000 lb if >5% quota or 500 lb if ≤5% quota	14"



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Commercial Horseshoe Crab Trawl Limits

Proposal

- Establish a 75-crab open entry limit for those trawlers that do not hold a commercial horseshoe crab endorsement.
- Eliminate issuance of annual LOA.

Rationale

- 2010: DMF began to issue LOAs to fluke draggers who did not have a HSC endorsement. Designed to reduce regulatory discarding given available quota and ensure bait and biomedical demands were met.
- LOA allowed non-permit holders to retain and land up to 300 crabs during any open commercial fluke day during the open commercial fluke season.
- 2019: First ever horseshoe crab quota closure - Sept 1, 2019.
 - Driven by increased fluke quota and expanded trawl season.
 - LOA holders were responsible for 7% of horseshoe crab harvest.
 - Closure created bio-medical supply issues in the fall.
- 75-crab limit thought to align with bycatch in trawl fishery, not directed fishing.



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Other Proposals

Sand Lance Limit

- Adopt a 200-lb sand lance possession and landing limit. Designed to prevent proliferation of industrial fishery on important forage fish.

Edible Crabs

- Consolidate cancer crab and blue crab regulations into an edible crab regulation.
- Define edible crabs to not include invasive species, to allow the harvest and sale of non-native crabs without a commercial lobster permit.

Sea Herring

- Establish a 2,000-lb incidental catch and small scale fishery limit, consistent with FMP.
- Update MA/NH herring spawning protection language to better conform to FMP.
 - Clarify GSI definition.
 - Make closure duration six weeks rather than 28 days.
 - Eliminate 5-day advance requirement for closure announcement.
 - Establish 20% threshold of spawn herring for closure extension.



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Permitting Proposals

Coastal Lobster Permits

- When reviewing a disability transfer, clarify that actively fished criteria apply to the four out of five years before the disability occurs.

Coastal Lobster Trap Allocation Transfers

- Allow a minimum transfer of 10 traps, rather than 50 traps, to facilitate consolidation in LMA2. This will complement federal regulations.
- Eliminate provision that requires coastal lobster permits be retired when allocations are reduced to less than 50 traps. This is currently done by policy.

Primary Buyer Rules

- Adopt corollary rule to existing dealer rule and require that commercial fishermen only sell their fish to dealers authorized as primary buyers. This will not impact the sale of fish under a retail boat permit.



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