Public Hearing:
Amendments to Recreational Fishing Limits for 2022

June 6, 2022

Marine Fisheries
Commonwealth of Massachusetts
Public Hearing and Comment

Under the provisions of M.G.L. c. 30A, and pursuant to the authorities found at M.G.L. c. 130 §§ 17A, and 104, the Division of Marine Fisheries (DMF) is taking public comment and holding virtual public hearings on: (1) emergency regulations at 322 CMR 6.00 that implemented the 2022 recreational fishing limits for black sea bass, summer flounder and scup; and (2) proposed draft regulations to amend 322 CMR 6.00 to set the 2022 recreational fishing limits for Southern New England (Georges Bank) cod and Gulf of Maine cod and haddock consistent with federal proposed rules.

Written public comment will be accepted through 5PM on Friday, June 10, 2022. Please send written public comment via e-mail to marine.fish@mass.gov or by post to the attention of Director McKiernan at 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 the 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.

• Comments on matters outside of the scope of the specific amendments being proposed will be accommodated upon the conclusion of the hearing and if time permits.

• All members of the public will be muted throughout the presentation. At the conclusion of the presentation, DMF will first accept clarifying questions regarding the proposals, and then once all the questions are addressed, DMF will invite public comment on the various proposals.

• The written “chat” and “question and answer” functions have been disabled. DMF will respond to verbal questions at the end of the hearing. Additionally, you can follow up with DMF staff after the hearing by e-mail (marine.fish@mass.gov).

• When participating in the question and comment forums, the public is required to use the raise hand function. This creates a queue and DMF will recognize and unmute individuals when it is their turn to speak. Individuals will be provided three (3) minutes for questions and comments per hearing item. Follow-up comments may be allowed after all other persons have had an opportunity to speak.

• It is not necessary for you to provide verbal comment during this public hearing. You may use this virtual hearing for informational purposes and submit written comments later. In fact, submitting written public comment is recommended.

• DMF prefers that written comment be submitted by e-mail (marine.fish@mass.gov). All written comment is to be submitted by 5PM on Friday, June 10, 2022. Written comment will be shared with the MFAC in advance of the June 16, 2022 business meeting.

• This public hearing will be recorded, and questions and comments are part of the public record. The recording of the public hearing will also be posted to DMF’s YouTube Channel.
Timeline for Rule Making

- **April 29, 2022**: DMF adopted emergency regulations to implement 2022 recreational fishing limits for black sea bass, summer flounder and scup. Emergency regulations are valid for 90-days.

- **April 29, 2022**: DMF announced public hearing and comment period on:
  - Emergency regulations to implement calendar year 2022 recreational fishing limits for black sea bass, summer flounder and scup; and
  - Proposed regulations to match pending federal rules for Gulf of Maine cod and haddock and Southern New England cod for federal fishing year 2022 (May 1, 2022 – April 30, 2023).

- **June 6, 2022**: DMF virtual public hearing.

- **June 10, 2022**: DMF to conclude written public comment period.

- **June 16, 2022**: Marine Fisheries Advisory Commission to review final DMF recommendations.

- **July 2022**: DMF to promulgate final regulations. Note: if federal cod and haddock limits are implemented prior to final regulations being implemented, DMF will immediately match these limits by filing complementary emergency regulations.
# Overview of Proposed 2022 Limits

<table>
<thead>
<tr>
<th>Species/Stock</th>
<th>Open Season</th>
<th>Bag Limit</th>
<th>Size Limit</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Black Sea Bass</strong></td>
<td>May 21 – September 4</td>
<td>4 fish per angler</td>
<td>≥16”</td>
</tr>
<tr>
<td><strong>Summer Flounder</strong></td>
<td>May 21 – September 29</td>
<td>5 fish per angler</td>
<td>≥ 16.5”</td>
</tr>
<tr>
<td><strong>Scup (Private Angler)</strong></td>
<td>January 1 – December 31</td>
<td>30 fish per angler 150 fish per vessel</td>
<td>≥ 10”</td>
</tr>
<tr>
<td><strong>Scup (For-Hire Mode)</strong></td>
<td>January 1 – April 30</td>
<td>30 fish per angler</td>
<td>≥ 10”</td>
</tr>
<tr>
<td></td>
<td>May 1 – June 30</td>
<td>50 fish per angler</td>
<td></td>
</tr>
<tr>
<td></td>
<td>July 1 – December 31</td>
<td>30 fish per angler</td>
<td></td>
</tr>
<tr>
<td><strong>Gulf of Maine Cod</strong></td>
<td>September 1 – October 7</td>
<td>1 fish per angler</td>
<td>≥ 22”</td>
</tr>
<tr>
<td>(FY: May 1 – April 30)</td>
<td>April 1 – April 14</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Gulf of Maine Haddock</strong></td>
<td>May 1 – February 28</td>
<td>20 fish per angler</td>
<td>≥ 17”</td>
</tr>
<tr>
<td>(FY: May 1 – April 30)</td>
<td>April 1 – April 30</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Southern New England Cod</strong></td>
<td>August 1 – April 30</td>
<td>5 fish per angler</td>
<td>≥ 22” to ≤28”</td>
</tr>
<tr>
<td>(FY: May 1 – April 30)</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Fluke, Scup, and Black Sea Bass Overview

- MAMFC/ASMFC jointly managed & states implement compliant regs.
- Annual regulatory revisions driven by review of recent year(s) MRIP harvest estimates against current year’s coastwide recreational harvest limit (RHL).
- MRIP data modeled to develop state/regional recreational bag/size/season options to achieve established reduction/liberalization in harvest.

Timeline
- Dec 14: MAFMC/ASMFC agrees on harvest reduction/liberalization percentages
- Jan 25: ASMFC approves methods to be used for analyses of regulations
- Feb 8: MAFMC/ASMFC revises BSB percent reduction based on outlier analysis
- Feb 17: DMF holds coping meeting
- Mar 10: MA MFAC reviews & supports DMF preferred measures
- Mar 24: ASMFC approves state/regional regulatory proposals
- Mar 25: DMF announces expected regulations
Recreational Black Sea Bass

For 2022, mandatory coastwide 20.7% reduction in harvest, applied equally to each region (MA-NY, NJ, DE-NC).

Based on 6.74-mlb RHL for 2022 & an average annual 8.51-mlb coastwide harvest over the past 4 years.

MA-NY region agreed to a 16” min size and state-specific seasons and bags.

In MA, reduce season by 3 days in spring (Sat. start) & 4 days in fall, cut bag by 1 fish, and increase min size by 1” with goal of balancing impacts across users.
Recreational Summer Flounder

<table>
<thead>
<tr>
<th>Open Season</th>
<th>Bag Limit</th>
<th>Minimum Size</th>
</tr>
</thead>
<tbody>
<tr>
<td>May 23—October 9</td>
<td>5 fish per angler</td>
<td>47”</td>
</tr>
<tr>
<td>May 21 – September 29</td>
<td></td>
<td>16.5”</td>
</tr>
</tbody>
</table>

- For 2022, 16.5% regional increases allowed.
- Based on a 10.36-mlb RHL for 2022 & an average annual 7.79-mlb coastwide harvest over the past 4 years (33% increase), plus a conservative approach considering below target B, high inter-annual variability in harvest & expected recruitment of 2018-year class to 2022 fishery.
- MA (own region) focused on size limit decrease and aligning opening date with black sea bass. Fall season reduced slightly to accommodate harvest increase achieved by other measures.
For 2022, mandatory 1” size increase, estimated to achieve a 33% coastwide reduction.

Based on a 6.08-mlb RHL for 2022 & an average annual 13.9-mlb coastwide harvest over the past 3 years (56% reduction needed), plus consideration of stock status, expected ACL underage, and socio-economic impacts.

NMFS has proposed to close federal waters to achieve remaining reduction.
For FY22, NEFMC has determined additional harvest of GOM cod may be allowed in order to achieve but not exceed sub-ACL for stock (423,288-pounds).

- NEFMC approved open season of September 1 – October 7 and April 1 – April 14 with a 1-fish bag limit and 22” minimum size.
- NOAA Fisheries currently reviewing recommendation for implementation.
- DMF intends to adopt complementary measures for its recreational cod fishery in the Gulf of Maine Management Area.
- MA harvest predominantly comes from federal waters. Complementary measures will allow vessels fishing lawfully in federal waters to land in Massachusetts.
- Also allows vessels fishing in state waters to retain the resource consistent with the rules in adjacent federal waters.

<table>
<thead>
<tr>
<th>Year</th>
<th>Mode</th>
<th>Open Season</th>
<th>Bag Limit</th>
<th>Minimum Size</th>
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</thead>
<tbody>
<tr>
<td>2021</td>
<td>Private</td>
<td>September 15 – September 30</td>
<td>1-fish per angler</td>
<td>21”</td>
</tr>
<tr>
<td></td>
<td></td>
<td>April 1 – April 14</td>
<td></td>
<td></td>
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<tr>
<td></td>
<td>For-Hire</td>
<td>September 8 – October 7</td>
<td>1-fish per angler</td>
<td>21”</td>
</tr>
<tr>
<td></td>
<td></td>
<td>April 1 – April 14</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2022</td>
<td>All</td>
<td>September 1 – October 7</td>
<td>1-fish per angler</td>
<td>22”</td>
</tr>
<tr>
<td></td>
<td></td>
<td>April 1 – April 14</td>
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</tr>
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</table>
Recreational Gulf of Maine Haddock

For FY22, NEFMC has determined additional harvest of GOM haddock may be allowed in order to achieve but not exceed sub-ACL for stock (8,011,599-pounds).

NEFMC approved increasing bag limit by 5-fish while maintaining the open seasons and size limits.

NOAA Fisheries currently reviewing recommendation for implementation.

DMF intends to adopt complementary measures for its recreational haddock fishery in the Gulf of Maine Management Area.

MA harvest predominantly comes from federal waters. Complementary measures will allow vessels fishing lawfully in federal waters to land in Massachusetts.

Also allows vessels fishing in state waters to retain the resource consistent with the rules in adjacent federal waters.

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<th>Year</th>
<th>Open Season</th>
<th>Bag Limit</th>
<th>Minimum Size</th>
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<tbody>
<tr>
<td>2021</td>
<td>May 1 – February 28/29 April 1 – April 30</td>
<td>15-fish per angler</td>
<td>17”</td>
</tr>
<tr>
<td>2022</td>
<td>May 1 – February 28/29 April 1 – April 30</td>
<td>20-fish per angler</td>
<td>17”</td>
</tr>
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</table>
Recreational SNE/GB Cod

- FY22 Recreational Georges Bank cod sub-ACL is set at 163,347-pounds.
- ~50% reduction in the sub-ACL (304,282-pounds) in recent years.
- Reduction in sub-ACL is driven by an overall decline in the GB cod resource.
- Recreational fishing limits to become more restrictive to achieve this conservation.
- Framework 63: NEFMC approved open season of August 1 – April 30, a slot limit of 22” to 28” and a 5-fish per angler bag limit.
- NOAA Fisheries currently reviewing Framework 63 for final implementation.
- DMF intends to adopt complementary measures for its recreational cod fishery in the Southern New England Management Area.
- MA harvest predominantly comes from federal waters. Complementary measures will allow vessels fishing lawfully in federal waters to land in Massachusetts.
- Also allows vessels fishing in state waters to retain the resource consistent with the rules in adjacent federal waters.

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<tr>
<td>2021</td>
<td>January 1 – December 31</td>
<td>10-fish per angler</td>
<td>≥21”</td>
</tr>
<tr>
<td>2022</td>
<td>August 1 – April 30</td>
<td>5-fish per angler</td>
<td>≥22” and ≤28”</td>
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Instructions for Public Hearing Questions and Comments

1. Meeting moderator will now recognize members of the public.
2. DMF will first recognize individuals with questions regarding the presentation and proposals.
3. Upon conclusion of the question period, DMF will accept verbal public comment.
4. To ask a question or submit a verbal comment, please use the “raise hand” function. This will create a queue of participants.
Instructions for Written Comment

Written public comment will be accepted through 5PM on Friday, June 10, 2022. Please address written comments to Director Daniel McKiernan and submit it by e-mail to marine.fish@mass.gov or by post to the attention of Director McKiernan at 251 Causeway Street, Suite 400, Boston, MA 02114.

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