



The Commonwealth of Massachusetts

Division of Marine Fisheries

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February 18, 2022

Notice of March 16, 2022 Virtual Public Hearing and Public Comment Period: Draft Regulatory Proposals Affecting Commercial Summer Flounder, Black Sea Bass, and Spiny Dogfish Fishery Limits and Regulatory Housekeeping

Under the provisions of G.L. c. 30A and pursuant to the authority found at G.L. c. 130 §§ 2, 17A, 80 and 104, the Division of Marine Fisheries (DMF) is taking public comment and holding a virtual public hearing on draft regulations to amend 322 CMR 6.00 and 7.00. Full text of the draft regulations may be found on [DMF's website](#) along with additional relevant background information.

Commercial Summer Flounder Limits (322 CMR 6.22). As a result of a 37% increase in the 2022 commercial summer flounder quota, and in response to recent fishery performance, DMF is proposing to:

1. *Quota Allocation*. Adjust the allocation of the annual commercial summer flounder quota between the Period I (January 1 – April 22) and Period II (April 23 – December 31) fisheries so the allocation for the Period I fishery increases from 30% overall to as much as 50% overall.
2. *Period I Trip Limit*. Increase the regulatorily set Period I summer flounder trip limit from 1,000 pounds to 2,500 pounds and maintain a trigger that reduces the trip limit to no less than 500 pounds once a certain amount of the Period I quota allocation is taken.
3. *Multi-State Pilot Program*. Codify the pilot program allowing vessels permitted in Massachusetts and other neighboring states to retain a trip limit from those states and possess non-conforming quantities of fish when offloading in Massachusetts provided the fish destined for another state is clearly labeled and remains on the vessel.
4. *Period II Inshore Directed Fishery Season*. Adjust the timing of the Period II directed inshore summer flounder fishing season so that it occurs from April 23 – October 9 rather than June 10 to October 31.
5. *Period II Inshore Directed Fishery Open Fishing Days*. During the Period II directed inshore summer flounder fishing season allow commercial harvest, possession, and landing seven days per week. This eliminates Fridays and Saturdays as closed fishing days.
6. *Period II Inshore Directed Fishery Trip Limits*. During the Period II directed inshore summer flounder fishing season increase the commercial trip limit from 400 pounds to 500 pounds for net fishermen and from 250 pounds to 300 pounds for hook and line fishermen. For trawlers, the limit would remain 100 pounds if in possession of squid.
7. *In-season Adjustment to Period II Inshore Directed Fishery Trip Limits*. Allow the Period II directed inshore summer flounder trip limit to increase to 600 pounds for all gear types on September 1 if more than 25% of the annual quota remains unharvested.
8. *Period II Late Fall and Early Winter Fishery Limits*. From October 10 – December 31, establish a 2,500 pound trip limit if more than 15% of the annual quota remains unharvested or 1,000 pounds if less than 15% of the quota remains unharvested.

Commercial Black Sea Bass Limits (322 CMR 6.28). As a result of 26% increase in the 2022 commercial black sea bass quota, and in response to recent fishery performance, DMF is proposing to:

1. *Summertime Directed Fishery Season.* Adjust the timing of the commercial black sea bass summertime directed fishery season so that it opens on the first open fishing day on or after July 1 rather than July 8.
2. *Summertime Directed Fishery Open Fishing Days.* For all non-trawl gear types fishing during the summertime directed fishery, allow open fishing days Sundays through Thursdays. Closed fishing days on Fridays and Saturdays would be maintained. This would add Mondays and Wednesdays as open fishing days to the current open fishing day schedule of Sundays, Tuesdays, and Thursdays. Then on October 1, eliminate closed fishing days on Fridays and Saturdays and allow commercial fishing seven days per week.
3. *Summertime Directed Fishery Trip Limits for Potters.* For commercial black sea bass potters, increase the commercial trip limit from 400 pounds to 500 pounds. Then on October 1, increase the trip to 600 pounds if more than 10% of the annual quota remains unharvested.
4. *Summertime Directed Fishery Trip Limit for Other Gears.* For hook and line and other non-trawl or weir gears (e.g. lobster traps), increase the commercial trip limit from 200 pounds to 250 pounds. Then on October 1, increase the trip to 300 pounds if more than 10% of the annual quota remains unharvested.
5. *Trawl Bycatch Limits.* Trawlers will continue to be allowed to retain a 100 pound bycatch of black sea bass beginning on April 23. To reduce regulatory discarding, open fishing days for black sea bass will correspond to the open fishing days established for the inshore squid and summer flounder trawl fisheries.

Commercial Spiny Dogfish (322 CMR 6.35). DMF is proposing to increase the commercial spiny dogfish trip limit from 6,000 pounds to 7,500 pounds consistent with changes to the interstate and federal Fishery Management Plan for spiny dogfish.

Housekeeping (322 CMR 6.19, 6.41, 7.03, and 7.06). DMF is proposing several regulatory housekeeping measures to clarify existing regulations.

1. *Owner-Operator Rules.* Owner-operator rules apply to certain commercial fishing permits and commercial fishing permits govern the fishing activity, as well as the possession and sale of fish. As such, DMF seeks to clarify the owner-operator requirements extend not just to permitted fishing activity but the possession and sale of fish caught under the authority of the permit.
2. *Limited Entry Permit Endorsement Renewal Rules.* Correct typographical errors to improve the readability of the regulation governing the renewal of limited entry permit endorsements received or post-marked after the permit renewal deadline.
3. *Officer Discretion and Violations Onboard For-Hire vessels.* Eliminate redundant language regarding officer discretion from its regulation affecting liability for violations onboard for-hire vessels.
4. *Recreational Traps for Cancer Crabs.* With the prohibition on the use of trap gear to catch blue crabs, clarify that all recreational traps for lobsters and edible crabs be configured as a recreational lobster trap.

Public Hearing and Comment Schedule

A virtual Zoom public hearing is scheduled for Wednesday, March 16, 2022 at 6PM. To attend this virtual public hearing, please register [online](#). Once you are registered, you will receive information regarding how to login to the hearing. DMF will also accept written public comment through March 20, 2022. Submit written comments to Director Daniel McKiernan by e-mail (marine.fish@mass.gov) or post (251 Causeway Street, Suite 400, Boston, MA 02114).