



**MARINE FISHERIES ADVISORY COMMISSION  
BUSINESS MEETING AGENDA**

**9:00 AM**

**March 18, 2021**

**Held Virtually Via Zoom**

**Webinar Link: <https://bit.ly/3vijUtP>**

**Dial In: 1-929-436-2866**

**Webinar ID: 839 5910 2029**

**Webinar Passcode: 342202**

1. Introductions and Announcements (9:00 – 9:10)
  - a. Review and Approval of the March 18, 2021 Business Meeting Agenda
  - b. Review and Approval of the February 18, 2021 Draft Business Meeting Minutes
2. Comments (9:10 – 9:30)
  - a. Chairman
  - b. Commissioner
  - c. Director
  - d. Law Enforcement
3. Action Items (9:30-10:30)
  - a. Lifting April Groundfish Conditional Closure for 2021
  - b. Final Rules Affecting Recreational Fishing Limits and Gears
    - i. Gulf of Maine Haddock Limits
    - ii. Gulf of Maine Cod Limits
    - iii. Striped Bass Circle Hook Mandate
    - iv. Prohibition on Trapping for Blue Crabs
4. Discussion Items (10:30 – 11:30)
  - a. Update on Protected Species Issues
    - i. Comments on Biological Opinions for Right Whales and Sea Turtles
    - ii. New Buoy Line Marking Requirements
    - iii. Outreach and Rollout on Weak Rope
  - b. New England Council Update
  - c. Updates on Shellfish Growing Area Reclassification of Three Bays
5. Presentation on MA Ocean Acidification Commission Report (11:30 – 12:00)
6. Other Business (12:00 – 12:15)
  - a. Commission Member Comments
  - b. Public Comment
7. Adjourn (12:15)

**Future Meeting Dates**

**9AM  
April 15, 2021  
Virtual via Zoom**

**9AM  
May 13, 2021  
Location TBD**

**9AM  
June 17, 2021  
Location TBD**

All times provided are approximate and the meeting agenda is subject to change. The MFAC may amend the agenda at the start of the business meeting.

**MARINE FISHERIES ADVISORY COMMISSION**  
**February 18, 2021**  
**Held Virtually via Zoom**

**In attendance:**

*Marine Fisheries Advisory Commission:* Raymond Kane, Chairman; Michael Pierdinock, Vice-Chairman; Bill Doyle, Clerk; Arthur "Sooky" Sawyer; Kalil Boghdan; Bill Amaru; Lou Williams; Tim Brady; and Shelley Edmundson.

*Division of Marine Fisheries:* Daniel McKiernan, Director; Kevin Creighton, CFO; Michael Armstrong, Assistant Director; Story Reed; Jared Silva; Nichola Meserve; Julia Kaplan; Bob Glenn; Anna Webb; Kelly Whitmore; Maggie Nazarenus; Stephanie Cunningham; Derek Perry; Kerry Allard; Tracy Pugh; Sam Truesdell; Steve Wilcox; and Gary Nelson.

*Department of Fish and Game:* Ron Amidon, Commissioner; and Mark Reil, Director of Legislative Affairs.

*Massachusetts Environmental Police:* Lt. Matt Bass.

*Members of the Public:* Anna Priester; Joe Grady; Christine Tierney; Rachel Downey; Peter Fallon; Heather Haggerty; and Emerson Hasbrouck.

**INTRODUCTIONS AND ANNOUNCEMENTS**

Chairman Ray Kane called the February 18, 2021 Marine Fisheries Advisory Commission (MFAC) business meeting to order.

**REVIEW AND APPROVAL OF FEBRUARY 18, 2021 BUSINESS MEETING AGENDA**

No amendments were proposed to the February 18, 2021 MFAC business meeting agenda.

**Chairman Kane asked for a motion to approve the amended draft agenda. Bill Amaru made a motion to approve the agenda. The motion was seconded by Mike Pierdinock. The February 18, 2021 MFAC business meeting agenda was approved by unanimous consent.**

**REVIEW AND APPROVAL OF JANUARY 28, 2021 DRAFT BUSINESS MEETING MINUTES**

Bill Doyle requested that the public comment section be updated to include more details regarding from the public comment provided by Gregg Morris. Morris spoke to the reclassification of the Three Bays and advocated for limiting the scope of reclassification to a 300 yard buffer zone around the current prohibited area in Plymouth Harbor and a

new dye study to account for dredging projects that have changed how water flows through the area. There were no objections to this request. No further amendments were proposed to the draft January 28, 2021 business meeting minutes.

**Ray Kane asked for a motion to approve the amended January 28, 2021 meeting minutes as amended by Bill Doyle. Bill Doyle made motion to approve the January business meeting minutes with his recommended amendment. Shelley Edmundson seconded the motion. Motion was approved by unanimous consent.**

### **CHAIRMAN'S COMMENTS**

Chairman Kane thanked the MFAC for their full attendance.

### **COMMISSIONER'S COMMENTS**

Commissioner Amidon stated since the pandemic began, more work and meetings are being held virtually. With that in mind, he appreciated how the MFAC held well run and professional business meetings in this new format.

### **DIRECTOR'S COMMENTS**

The Director began his comments by discussing the protected species regulations approved by the MFAC at their January business meeting. He stated that the internal review of these final regulations was complete, and the new rules would be promulgated on March 5, 2021. This would be the effective date for the trap and gillnet closure extensions, whereas the rules allowed the gear modification rules to be implemented for May 1, 2021. DMF was committed to conducting extensive outreach to industry regarding these changes and was in the process of building out a website to serve as a central information hub for commercial fishermen affected by the new regulations. Staff remained fully engaged on protected species issues and continued to work on the state's ITP application, draft comments on NOAA Fisheries' Atlantic Large Whale Take Reduction Plan's proposed rules and its biological opinion on right whales, and were working with industry and NOAA Fisheries to develop new weak contrivances.

The Director moved on to discuss the second round of CARES Act fisheries relief. He stated Congress was being pressured to reduce the 35% loss threshold, which would allow more businesses to qualify for this funding. He was uncertain how much funding Massachusetts would ultimately receive, but he expected it would be somewhat reduced compared to the first round as additional funding was being allocated to native tribes and the Great Lakes states. Dan added that ASMFC will be mailing all CARES relief recipients their 1099 forms in the coming week.

DMF was working to complete the Port Profile Project. At present, port-specific profiles have been sent to the respective harbormaster for final vetting. A copy will also be sent to the Seafood Marketing Steering Committee for their review.

The Massachusetts Shellfish Initiative (MSI) has a public meeting schedule for Monday, February 22 at 6 PM on its draft Strategic Plan. Written public comment is due by March 5, 2021. The comments will be reviewed at the MSI's Strategic Plan Working Group at their March 9, 2021 meeting. A final version of the Strategic Plan will then be drafted and set to the Task Force for their review and approval.

Director McKiernan continues to work with stakeholders in regards to the Three Bays re-classification and intends to establish a working group on the issue.

DMF has adopted a permit transfer policy for limited entry black sea bass, fluke and tautog endorsements for the rod and reel fishery. The permit transfer policy has been posted onto DMF's [website](#). In summary, these endorsements are individually transferred provided the permit holder has sold at least one trip limit for that permitted species in four out of the past five years, or they may be bundled and transferred together provided the permit holder has sold at least one trip limit for one of the permitted species in four out of the past five years.

Dan stated that Gary Nelson and Steve Wilcox will be presenting on the whelk fishery later in this meeting. On the subject of whelks, VIMS hosted a symposium on channeled whelk fisheries and management, which DMF participated in. He found it notable that MA's fishery is twice as big as any other state on the east coast and most other states do not have any reporting requirements and nominal conservation standards. Dan added the ACCSP approved a grant to create one-year study fleet to gather more fishery dependent data. Commission member Shelley Edmundson is the PI for this grant and would be working with local fishermen.

DMF and DFG were working to fill the NEFMC seat held by John Quinn. DMF was compiling the letters of support for candidates and a formal announcement of a selected nominee will occur June.

Sooky Sawyer emphasized the need for industry outreach on the pending trap closures and gear modification requirements.

Bill Amaru asked about convening a sub-committee dedicated to discussing permit transfers. The Director stated there is a standing sub-committee he would like to convene regarding permitting issues and bringing younger fishermen into the fleet. However, his ability to convene this group has been limited due to other obligations and commitments.

#### **LAW ENFORCEMENT COMMENTS**

Lt. Matt Bass handled the comments for MEP. MEP hired seven new officers and these new officers will be completing training in July. MEP was working this winter to remove abandoned gear in the Cape Cod Bay.

Bill Amaru was concerned about the presence of large surf clam dredge vessels in eastern Cod Bay. Bill was curious if MEP could patrol the area; Lt. Bass stated that MEP was aware of the concerns and would look into whether the activity was lawful

## **DISCUSSION ITEMS**

### 2021 Conditional April Groundfish Closure

DMF informed the MFAC it would seek public comment to lift the conditional April groundfish closure between Plymouth and Marblehead for 2021. This conditional closure was implemented in 2019 in response to concerns from federal permit holders that state waters groundfish landings were on track to exceed federally allocated state-water set-asides and could potentially trigger federal accountability measures for fully utilized stocks. To balance these concerns with providing the state waters fleet with seasonal access to the resource, DMF may annually lift this closure if data for the fishing year (May 1 – April 30) demonstrates that the federally allocated state water subcomponents will not be exceeded and federal conservation objectives are not compromised. DMF will accept public comment on lifting this closure through March 5, 2021 and the MFAC will vote on a final recommendation at their March 18, 2021 business meeting.

Jared Silva pointed out other overlapping closures that would additionally restrict groundfish fishing in certain areas even if this closure is lifted. Data for the 2020 Fishing Year shows that state-waters groundfish harvest is well below the federally allocated sub-components for all stocks. This is likely driven, in part, by a COVID related reduction in fishing effort.

Mike Pierdinock asked if this closure was just for the month of April or several months. Jared stated that there are closures in the state waters portion of the Gulf of Maine in April, May, and June. The proposed action would only affect the April closure; the May and June closures would remain in place.

Mike P., Jared, and Dan then discussed how the state waters sub-components were allocated and how they affected the management of the state waters fishery.

Sooky Sawyer expressed frustration over the possibility that the April closure could be lifted and thereby allow gillnet fishermen to fish in areas where lobster trap fishermen are prohibited to fish due to the risk of interactions between buoy lines and right whales.

Bill Amaru was surprised by the low level of state waters groundfish landings and opined that this is most likely due to the decline in the size of the inshore mobile-gear trawler fleet.

### 2020 Channeled Whelk Fishery Performance

Director McKiernan stated that channeled whelk are not managed on a coastwide basis. Therefore, there is no interstate or federal framework for management. Moreover, there

is a very limited recreational fishery for this species. Ultimately, the management and sustainability of this resource falls to DMF and the MFAC. He then recounted the ongoing VIMS symposium, which highlighted the general lack of management and science dedicated to this species on a coastwide basis.

Steve Wilcox provided a preliminary analysis of the performance of the channeled whelk fishery in 2020, as well as an overview of how fishery performance has changed overtime. The 2020 data presented was preliminary, and DMF's Statistics Project expected landings may increase by 4-5% as the data is further quality controlled. MA landings are primarily coming from Nantucket Sound with harvest also occurring in Vineyard Sound and Buzzards Bay. He then discussed the size-at-maturity management approach that DMF has been methodically advancing since 2013 and the pending 2021 gauge increase. Steve noted that even with this gauge increase to 3 1/8", 0% of females are sexually mature at that size at harvest in Nantucket Sound and Vineyard Sound and only about 15% are sexually mature at that size at harvest in Buzzards Bay.

Bill Amaru asked why there was no distinction between the two types of whelk. Steve stated this update was just for channeled whelk.

Chairman Kane asked Steve to explain why there are discrepancies in the size at maturity for sexually mature female whelk in Buzzards Bay, as compared to Vineyard Sound and Nantucket Sound. Steve noted that environmental factors, namely water temperature, influence growth rates and size at maturity, with whelks reaching sexual maturity at small sizes in warmer waters. With Massachusetts being the northern extent of the species range, it is not surprising that Massachusetts has the largest size at maturity across the species range and that Nantucket Sound has the largest size at maturity in the state.

Kalil asked about the survivability of whelks to size at maturity. Steve was unaware of any studies that looked into this question.

Dan asked Steve to discuss the life history traits of whelk. Steve then gave a brief overview of the life history traits of channeled whelk.

Mike Pierdinock asked if the low percentage of mature females in Buzzards Bay, Vineyard Sound, and Nantucket Sound with the 2021 gauge increase meant the status of the stock was at risk. Steve clarified that the data is indicative that there are no female whelks protected by the pending 3 1/8" gauge size in Nantucket Sound and Vineyard Sound and few protected in Buzzards Bay. Given this, there are no assurances that female whelks can reproduce before harvest.

Ray Kane asked if there were studies being conducted into male size at maturity. Steve stated his size at maturity studies produced data for both sexes. Male whelk tend to mature at a smaller size than female whelk.

Shelley Edmundson expressed concern that by the terminus of the current gauge increase schedule the fishery will result in the forced discarding of all males and the commercial fishery will occur exclusively on breeding sized females. She was worried that this would end up skewing sex ratios in the biomass and leading to underutilizing the resource. With this in mind, Shelley requested DMF establish a working group or a sub-committee to review the state's size at maturity management strategy and review other conservation management options. Dan suggested waiting one-year until some data could be collected through her new grant work; Shelley preferred convening it as soon as possible.

Shelley then discussed her upcoming grant work with ACCSP. Ray, Dan, and Shelley discussed the type of data that would be collected and the data collection methods. Shelley indicated that she intended to work with DMF on this further.

Lou Williams expressed concern over how the fishery was being managed and that the fishery would be regulated out of existence with the size at maturity management strategy. Lou then asked if whelk spawn get dispersed in the water column and moved by oceanic currents. Shelley stated channeled whelk spawn do to get dispersed through the water column and egg casings are typically laid into the seafloor.

Gary Nelson gave a brief presentation regarding DMF's stock assessment for channeled whelk in Nantucket Sound. The models used in DMF's channeled whelk stock assessment calculate bMSY at 22 million pounds, and at this biomass the MSY estimate is between 1.2 and 1.6 million pounds annually depending on the model used. However, the stock is currently overfished and experiencing overfishing and the biomass is estimated to be closer to 8 million pounds. Accordingly, DMF anticipated that any potential MSY-based quota would be substantially lower than MSY at bMSY. DMF committed to continue to work with the MFAC and industry on the management of this fishery and noted that Shelley' grant would enhance the fishery dependent data available for management.

#### Updates from Winter ASMFC Meeting

Nichola Meserve gave a brief presentation to the MFAC on the recent February 2021 ASMFC business meeting. Her highlights included: approval of the scoping document for Amendment 7 to the Interstate Fishery Management Plan for Striped Bass, for which hearings will be held this spring; the states' ongoing implementation of the recreational circle hook mandate in Addendum VI to the Striped Bass FMP, particularly ASMFC approval of the joint MA/ME proposal to study the tube rig fishery during a two-year exemption period, and a forthcoming effort to address the states' varying regulatory definitions of bait; approval of the black sea bass commercial state allocation amendment with a reallocation alternative that addresses the species' redistribution; the ongoing development of the summer flounder, scup, and black sea bass commercial/recreational allocation amendment; the approval of the bluefish allocation and rebuilding amendment for public comment; and the initiation of a review of how the coastwide commercial menhaden quota is allocated.

## Upcoming Spring 2021 Public Hearings

### *2021 Recreational Black Sea Bass Fishing Season*

Nichola Meserve presented on the upcoming recreational black sea bass season. For 2021, states are required to maintain status quo limits for the recreational black sea bass fishery, with the exception of possible minor season adjustments not projected to increase harvest. For MA, status quo measures would result in a May 18 – September 8 open season with a 5-fish bag limit and 15" minimum size. DMF has historically opened the fishery on either the third or fourth Saturday in May, but under status quo rules the fishery would open on a Tuesday. To accommodate a Saturday opening, DMF submitted a conservation equivalency proposal to the ASMFC with two different seasonal options: May 15 – September 3 and May 22 – September 14. Both proposals were approved at ASMFC and DMF collected public comment on the three potential season options.

Nichola stated that public comment generally preferred the May 22 start date, but it was notable that a number of for-hire operators preferred the May 15 start date for business and marketing reasons. DMF's preference was for a May 22 start date, particularly as it would provide additional Wave 5 (September – October) MRIP data that could help the state argue for a later closing date in the future, in addition to the arguments put forth by the public. The Director urged the MFAC to vote on DMF's preferred May 22 start date, and stated he would like an endorsement from the Commission since any change from the existing limits would be enacted by an emergency action. Chairman Kane opened the floor to questions.

Tim Brady stated there is most likely going to be a necessity to book charter/party trips as early as possible this year. He would prefer the earlier start date of May 15. The Director stated that with more CARES funding coming he will work to ensure funds are allocated to the for-hire fleet. Dan added he would like to see more September fishing since some locations do not see fish until later in the season.

Mike Pierdinock asked if the VTR data submitted to NOAA Fisheries from the extended 2020 for-hire season has been analyzed yet. Nichola stated the data has not been received and it would only represent a small portion of the landings since only a fraction of MA's for-hire fleet submit VTR data. Dan asked Nichola if the data from the VTRs would be helpful to describe the likely catch rates of the whole sector during the fall. Nichola stated that it may be helpful in providing some data to argue for extending the season into the fall in the future, but having more MRIP data across all modes would likely make a stronger argument.

Mike Pierdinock noted that a for-hire bonus season was accommodated in 2020 and asked if the for-hire bonus season was considered for this year. Nichola noted that this was authorized due to mitigate loss of access due to springtime COVID related closures, and a similar bonus season was not anticipated absent similar COVID related closures in 2021.

Lt. Bass stated law enforcement would be in support of a longer season that would encompass both holiday seasons.

**Chairman Kane asked for a roll-call vote for support of the May 22 – September 14 season. The vote failed in a tie of 4-4-1 with Kalil Boghdan, Lou Williams, Mike Pierdinock, and Tim Brady voting No, and Chairman Kane abstaining.**

Chairman Kane suggested consideration of the status quo measures. The Director asked the Commission to support the status quo season. Mike Pierdinock stated he could support status quo measures.

**Chairman Kane asked for a roll call vote for status quo measures. The vote passed unanimously 8-0-0.**

*Spring 2021 Public Hearing Docket*

Jared Silva provided a brief presentation on the upcoming 2021 public hearing schedule. DMF will hold two different sets of public hearings on proposed regulations this spring.

The first regulatory initiative affects recreational fisheries. DMF is proposing to implement the striped bass circle hook mandate consistent with Addendum VI to the Interstate Fishery Management Plan for Striped Bass; adopt Gulf of Maine cod and haddock limits to conform to expected federal rules; and prohibit the use of trap gear to take blue crabs to address the incidental take of protected diamondback terrapins. DMF is currently accepting public comment on these proposed rules. The public hearing will be held virtually via Zoom on March 2 and the public comment period will conclude on March 5. DMF anticipated that the MFAC would vote on final recommendations at their March 18 business meeting.

The second regulatory initiative affects commercial fisheries. DMF is proposing to adjust the commercial striped bass open season and open fishing days; adopt a maximum purse seine size and volumetric equivalencies for the open entry menhaden fishery and establish a nightly reporting requirement for the EESA fishery; require black sea bass pots be rigged with a 3" x 6" ghost panel; and modernize the state's bluefin tuna purse seine regulations in response to DMF no longer issuing these permits. DMF anticipates the public comment period on these proposals will occur from early-March through early-April with a public hearing in late-March or early-April, and a final recommendations will be brought the MFAC for their April 15 business meeting.

Mike Pierdinock asked if the state proposal included the for-hire bonus season during the fall for GOM cod. Jared confirmed that the proposal includes the for-hire bonus season, as approved by the NEFMC. Mike P. and Jared both recognized that there was some uncertainty as to whether NOAA Fisheries would ultimately, approve this bonus season for 2021, as it was implemented in 2020 to mitigate loss of access due to springtime COVID related closures. Jared indicated that DMF's final recommendation

would likely reflect NOAA Fisheries decision on this, as DMF was seeking to complement federal rules.

#### Convening Sub-Committee on Single Trap Fishing

At the January 28, 2021 MFAC business meeting, a sub-committee was formed to address single trap fishing and the strategies to reduce the potential risk of protected species becoming entangled in the gear. At present, DMF is analyzing buoy line data in the development of its ITP application for endangered sea turtles and wanted to complete this analysis before convening the group. DMF intended to reach out to sub-committee members in the coming weeks for springtime meeting. Director McKiernan stated DMF would like to hold the first sub-committee meeting following the March Commission meeting.

Ray Kane asked for comments from the Commission. No comments were made.

#### Overview of DMF's Outreach on Gear Modification Grant Programs

In response to the new trap gear regulations approved by the MFAC at their January 28, 2021 business meeting, Bob Glenn provided a brief overview of DMF's outreach on Gear Modification Grant Programs as well as upcoming contrivances that will be tested at Maine DMR which commercial fishermen will use to rig their traps with to meet the breaking strength requirement of 1,700 pounds. In anticipation, DMF has hired a new staff member—Justin Wilson—to work directly with industry on new weak rope requirements. Additionally, DMF obtained funding to purchase weak rope and South Shore sleeves and would be convening events throughout the state to disperse this gear. Additionally, Justin will be working as an intermediary between industry and NOAA Fisheries to develop additional weak contrivances. DMF anticipated several new contrivances may be approved by mid-March for the 2021 season.

Sooky Sawyer stated the new gear marking requirements need to be put out soon to the public to avoid misinformation. Bob stated DMF will continue to work on these issues with NOAA Fisheries and proposed holding an informational meeting in the coming weeks to answer all outstanding questions. Bob added that the buoy line marking requirements will not be implemented until 2022.

Sooky Sawyer asked if lobstermen would need to change out their gear marking if they fish in both federal to state waters. Bob Glenn was uncertain about this and DMF was still working with NOAA Fisheries on this important detail.

Bob stated DMF was prepared to launch a new webpage that would serve as a central resource for gear modification outreach activity and broadcast an advisory on the new rules and the various resources available to industry in the coming days.

Julia Kaplan showed the MFAC what the draft webpage currently looks like and discussed how DMF plans to build the page out in the future.

Chairman Kane thanked Bob Glenn and his staff for all their work.

## **OTHER BUSINESS**

### *Commission Member Comments*

Lou Williams requested DMF review the potential to increase the state waters yellowtail flounder trip limit.

Mike Pierdinock briefed the MFAC on the recent ICCAT meeting and upcoming Atlantic bluefin tuna stock assessment.

Bill Doyle thanked DMF for their continued attention to shellfish growing area classification issues affecting shellfisheries in Duxbury, Plymouth, and Kingston.

Sooky Sawyer discussed protected species management and requested DMF reach out to commercial trap fishermen with information regarding new gear marking and configuration regulations.

Shelley Edmundson spoke about whelk management and concerns regarding the schedule to increase the gauge size.

## **PUBLIC COMMENTS**

Emerson Hasbrouck (ASMFC delegate from NY) congratulated Chairman Kane on running productive and smooth commission meetings. He commended DMF's efforts regarding protected species management and commercial black sea bass reallocation.

## **ADJOURNMENT**

Chairman Ray Kane requested a motion to adjourn the February MFAC business meeting. **Tim Brady made a motion to adjourn the meeting. The motion was seconded by Sooky Sawyer. The motion was approved by unanimous consent.**

## MEETING DOCUMENTS

- February 2021 MFAC Business Meeting Agenda
- January 2021 MFAC Draft Meeting Minutes
- State Waters Groundfish FY20 Summary and April Condition Closure
- Groundfish Presentation
- Whelk Presentation
- ASMFC Meeting Summary Winter 2021
- ASMFC Updates Presentation
- Recreational Black Sea Bass Season Proposal
- Spring 2021 Public Hearing Overview
- Public Hearing presentation

## UPCOMING MEETINGS

9AM  
March 18, 2021  
Via Zoom

9AM  
April 15, 2021  
Via Zoom

9AM  
May 13, 2021  
Via Zoom

9AM  
June 17, 2021  
Via Zoom



# The Commonwealth of Massachusetts

## Division of Marine Fisheries

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Secretary

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Commissioner

DANIEL J. MCKIERNAN  
Director

## MEMORANDUM

TO: Marine Fisheries Advisory Commission (MFAC)

FROM: Daniel J. McKiernan, Director

DATE: March 15, 2021

SUBJECT: Recommendation to Lift Conditional April Groundfish Closure

### Recommendation

I recommend the MFAC vote in favor of lifting the April conditional commercial groundfish closure in Massachusetts Bay between Plymouth (42°00'N) and Marblehead (42°30'N) in those state waters west of 70°30'W.

However, if approved, I intend to use my authority to condition to permits to limit the extent of this opening and have it apply only to trawl gear and hook and line gear that is actively tended and not set overnight. This is being done to prevent the use of passively fished fixed gear—specifically gillnets—due to the potential for a right whale entanglement in Massachusetts Bay.

### Background

In 2019 DMF established regulations at 322 CMR 8.05<sup>1</sup> that implemented a conditional commercial groundfish closure within certain waters of Massachusetts Bay. Its purpose is to serve as an accounting fail-safe and prevent state waters fisheries from causing ACL overages. It was not designed to provide direct groundfish conservation or spawning protection; DMF has other overarching rules that address those issues (which I discuss later). As April occurs at the end of the May 1 – April 30 federal fishing year (“FY”), the closure is conditional and DMF may lift it should an annual analysis of groundfish landings data for the SW fishery relative to the federal sub-components for the May 1 – April 30 federal fishing year (“FY”) demonstrate that the closure is not necessary to achieve its purpose.

### FY2020 Analysis

It should be no surprise that our analysis for FY20 (May 1, 2020 – April 30, 2021) demonstrates the groundfish closure may be lifted for April 2021. State waters (SW) fishery reported landings for all Gulf of Maine groundfish stocks are well below the federally allocated sub-components (Table 1). I suspect the decline in landings and effort in FY20 compared to prior recent years is

<sup>1</sup> 322 CMR 8.05(2). “The Director may annually rescind this April closure...if, based on the Division’s review of relevant data, it determines that rescinding this closure will not result in an exceedance of the annual federally allocated state-waters sub-components for regulated groundfish stocks during the federal fishing year of May 1 through April 30 or federal conservation measures are not compromised.

largely attributable to the COVID-19 pandemic—and the low trip limits. The pandemic negatively impacted the performance of most of our commercial fisheries, as altered demand for seafood and personal health concerns have affected fishing effort. Even without the impacts of COVID, the SW fishery has operated within the ACL structure prompting annual rescinding of the April conditional closure ever since its inception.

Given the results of this analysis and past performance of the April fishery, I am certain lifting this conditional closure for April 2021 will not result in the SW fishery exceeding the federally allocated sub-components for Gulf of Maine groundfish stocks in FY20, let alone triggering accountability measures for the federal fishery.

### **Anticipated Results**

If approved and the conditional April closure is lifted for 2021, commercial groundfish fishing will be able to occur within certain waters of the closure area with mobile gear and actively tended hook gear. Based on informal conversations between staff and industry members, I suspect effort will continue to be targeted on haddock. Several gillnet fishermen have expressed interest in fishing longlines (“tub trawls”) to target this species; this interest existed prior to my decision to preclude gillnet gear from this opening, as the 6.5” minimum mesh size rule constrains their ability to target haddock with gillnets. Other species commonly taken in April are available and have conservative trip limits, and they include cod (200 lbs.), winter flounder (500 lbs.) and yellowtail flounder (250 lbs.).

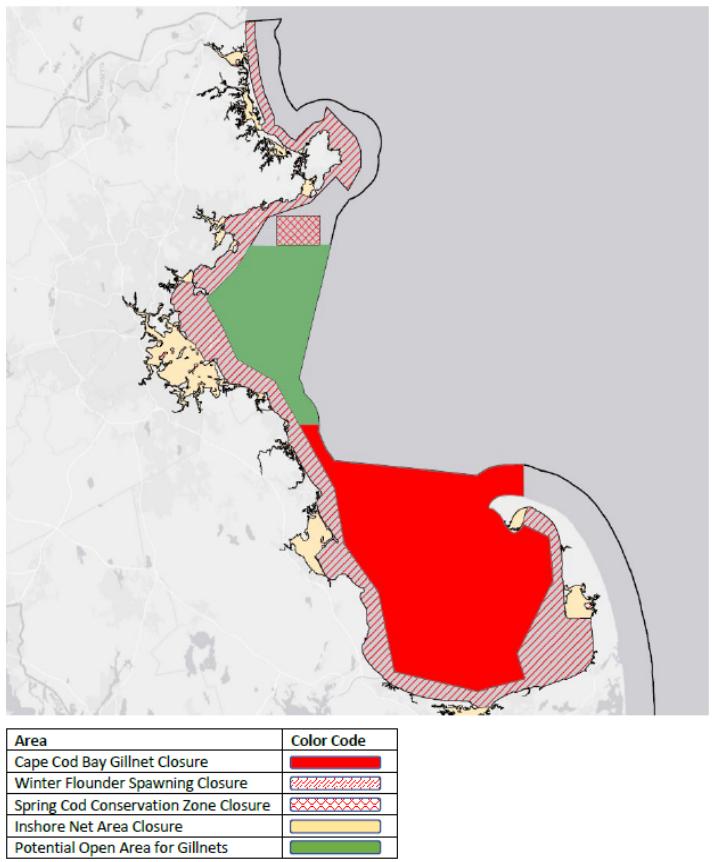
It is notable that spatial access to groundfish—within the April closure area and throughout the spring—are limited for both hook and trawl fishermen due to other overarching state regulations (Appendix 1). Mobile gear fishing is restricted in all Inshore Net Areas and is seasonally restricted within mobile gear Areas 1 (North Shore) and 2 (Greater Boston Harbor).

Additionally, there remain spatial spawning protections for Gulf of Maine winter flounder and cod, as all commercial groundfish fishing is prohibited from within the inshore winter flounder spawning closure (February 1 – May 31) and in Spring Cod Conservation Zone (April 16 – July 21). Lastly, there are rolling commercial groundfish closures in Massachusetts Bay in May between Boston (42°20' N) and the MA/NH maritime border and in June between Marblehead (42°30'N) and the MA/NH maritime border. These various management measures all constrain groundfish harvest and protect fish from harvest in many known spawning grounds.

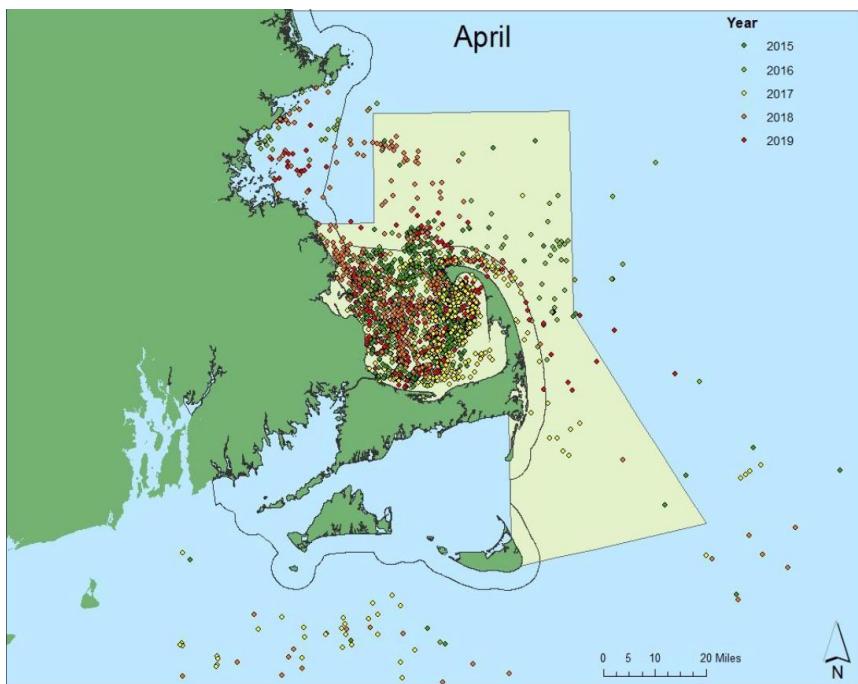
### **Consideration of the Gillnet Fishing Issues.**

The opening of this area in Massachusetts Bay (Figure 1) to gillnetting poses a challenge for the agency in light of the ongoing right whale conservation initiatives and the spring-time presence of right whales in the area. While the presence of right whales is not as routine and predictable as the aggregations in Cape Cod Bay, there have been sightings off Boston in Massachusetts Bay in recent years. Given that right whales may become entangled in the gillnet gear—specifically the panels—it would be prudent to take a conservative approach. Right whales are currently being afforded unprecedented levels of conservation in Massachusetts, with DMF recently taking action to seasonally prohibit the setting of lobster trap gear in Massachusetts Bay during the winter and spring, and requiring new year-round buoy line modifications for all trap gear fishermen. With this in mind, I prefer to not increase the entanglement risk by inviting this fixed gear into this area while the more common activity—lobster trap fishing—is precluded.

**Figure 1. Closures in MA Bay Affecting April Gillnetting**



**Figure 2. Right Whale Sightings in April in Massachusetts**



### Relative Risk of Longlines

I expect some of the 5-6 active gillnetters, and some displaced lobstermen, will capitalize on longlining abundant haddock in this area. I believe that groundfish longline gear is sufficiently safe for this area. The gear is generally weak. The mainline that holds the gangions and hooks is typically comprised of what is known as “parachute cord” and typically has a breaking strength of about 550 pounds. While the vertical buoy lines may be stronger, they can be rigged with weak rope as prescribed for lobster gear during open periods. Moreover, the quantity of longline gear being fished will likely be limited and can be actively tended. Longlines are typically set in a series of 300 hook “bundles” and up to five sets connected together with a vertical buoy line on each end. Two to three of these are usually set by an inshore vessel, resulting in only a handful of buoy lines being deployed.

The gear is also typically not set over night and is actively tended with the fisherman beginning to haul the gear after the last string is set. This results in the gear being in the water for short periods of time and gives the fisherman the ability to avoid setting the gear near whales that may be visible at the surface.

### Public Comment

The regulation implementing the April condition commercial groundfish closure sets a process for DMF to annually lift the closure

should it be supported by the landings analysis. This includes conducting a two-week public comment period and having the action approved by the MFAC.

DMF received approximately 70 public comments on the proposal. Those comments in favor of the proposal to lift the April closure for 2021 were generally from commercial fishermen seeking access to the resource. Notably, there is interest from some Massachusetts Bay commercial lobstermen to lift the closure, as it will provide an alternative source of seasonal fishing income to help alleviate the impacts of the extension of the trap gear closure to those waters north of Cape Cod Bay. However, most of the public comment objected to lifting the closure. These commenters argued that the closure provided additional needed conservation for groundfish stocks, particularly winter flounder and cod, added a layer of spawning protections for winter flounder and cod, and ameliorated user group conflicts between recreational fishermen and commercial fishermen who may be seasonally targeting haddock and winter flounder.

While I understand the concerns set forth by these entities, their rationale for keeping the closure in place goes beyond the scope and purpose of the closure. As stated earlier in this memo, the closure was implemented to address the SW fishery exceeding its federally allocated groundfish sub-components and the regulation instructs DMF to lift the closure if an annual analysis of landings data demonstrate that the closure is not necessary to achieve this purpose. While the closure may provide additional groundfish conservation benefits it was not implemented on that basis and other existing restrictions are in place that either directly or indirectly address these conservation and user group concerns.

I also believe there is some level of misunderstanding about the amount of fishing grounds that will be “opened” by this action. This misunderstanding may be from inclusion of a simple closure area map in the advisory that depicted all state waters west of 70° 30' W longitude and between latitudes 42°00' N latitude and 42° 30' N latitude would be opened for groundfishing. As evidenced in Appendix 1, this is not the case and much of the area will remain closed to groundfish fishing through overarching spawning closures and other gear restrictions.

## **Conclusion**

Based on all the considerations described above, I am recommending the conditional closure be lifted for April for hook and trawl gears only, and am asking the MFAC stay true to the narrow scope of this regulation and vote in favor of this recommendation.

## **Attachment**

Appendix 1: Closures Affecting Groundfish Fishing in Spring in Massachusetts Bay  
Written Public Comment

**Table 1.** Estimates of SW Landings and State-waters sub-component utilization for select groundfish stocks during FY2019-FY2020.

Groundfish Stock	FY2020			FY2019		
	State Waters Sub-Component (lbs)	Preliminary SAFIS Dealer Landings for SW fishermen (lbs)	% Utilization	State Waters Sub-component (lbs)	State Estimates of SW Landings (lbs)	% SW Utilization
American Plaice	70,548	4,564	6%	70,548	14,110	20%
GOM Cod	105,822	29,917	28%	103,617	62,391	60%
GOM Haddock	143,300	87,986	61%	200,621	325,843	162%
GOM Winter Flounder	306,443	82,343	27%	147,710	147,710	100%
GOM Yellowtail Flounder	127,868	66,822	52%	112,436	93,256	83%
Pollock	2,420,676	683	0%	886,258	1,543	0%
Redfish	132,277	88	0%	2601,145	8,598	3%
SNE/MA Winter Flounder	79,366	*	<1%	160,937	1,543	1%
White Hake	24,250	198	1%	63,934	220	0%
Witch Flounder	97,003	38,691	40%	88,185	42,770	49%

Data Source: NMFS VTRs, MA trip-level reports, MA permitting database,  
[https://www.greateratlantic.fisheries.noaa.gov/ro/fso/reports/h/groundfish\\_catch\\_accounting](https://www.greateratlantic.fisheries.noaa.gov/ro/fso/reports/h/groundfish_catch_accounting), compiled February 2020.

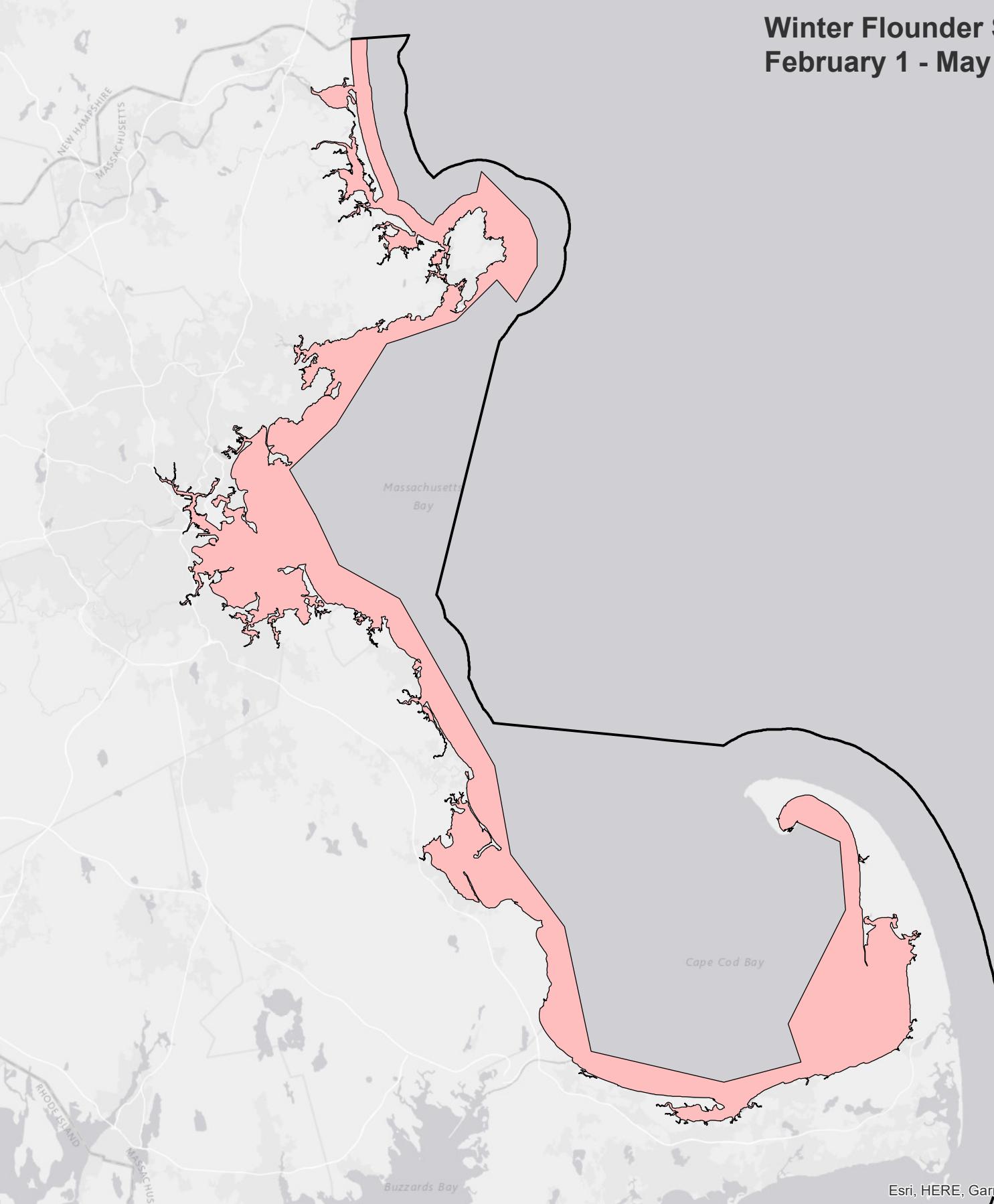
## **Appendix 1 – Closures in April Affecting Groundfish Fishing and Additional Springtime Commercial Groundfish Closures in Gulf of Maine**

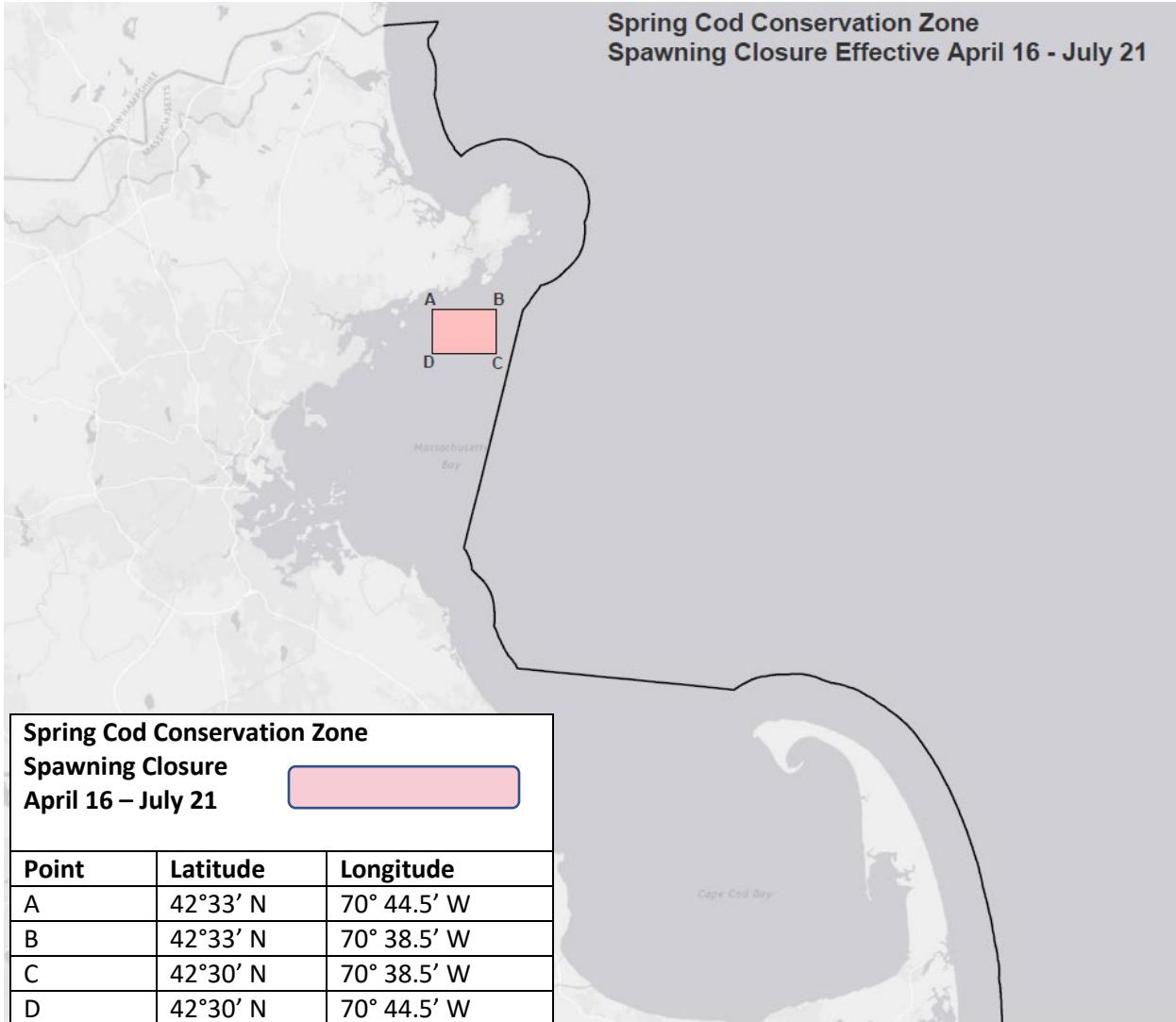
1. Winter Flounder Spawning Closure (February 1 – May 31)
2. Spring Cod Conservation Zone Closure (April 16 – July 21)
3. Inshore Net Area Closure (Year Round)
4. Mobile Gear Closures
  - a. North Shore Closure (Year Round)
  - b. Boston Harbor (April 1 – December 31)
  - c. Ipswich Bay Exemption Area (December 15 – April 30)
5. Open and Closed Areas for Trawlers in April
6. Open and Closed Areas for Hook Gear in April
7. May Commercial Groundfish Closure North of 42° 20' N
8. June Commercial Groundfish Closure North of 42° 30' N



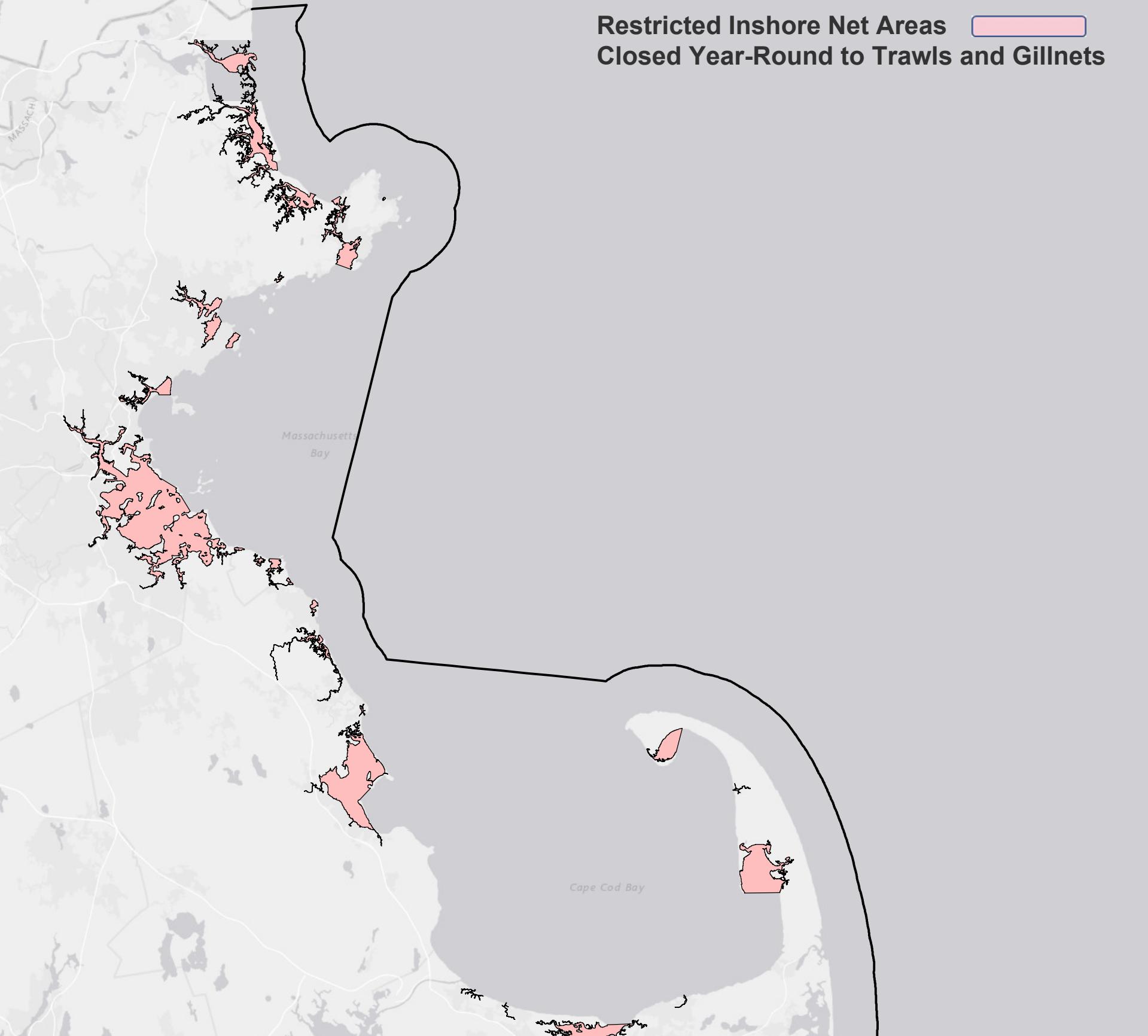
# Winter Flounder Spawning Closure

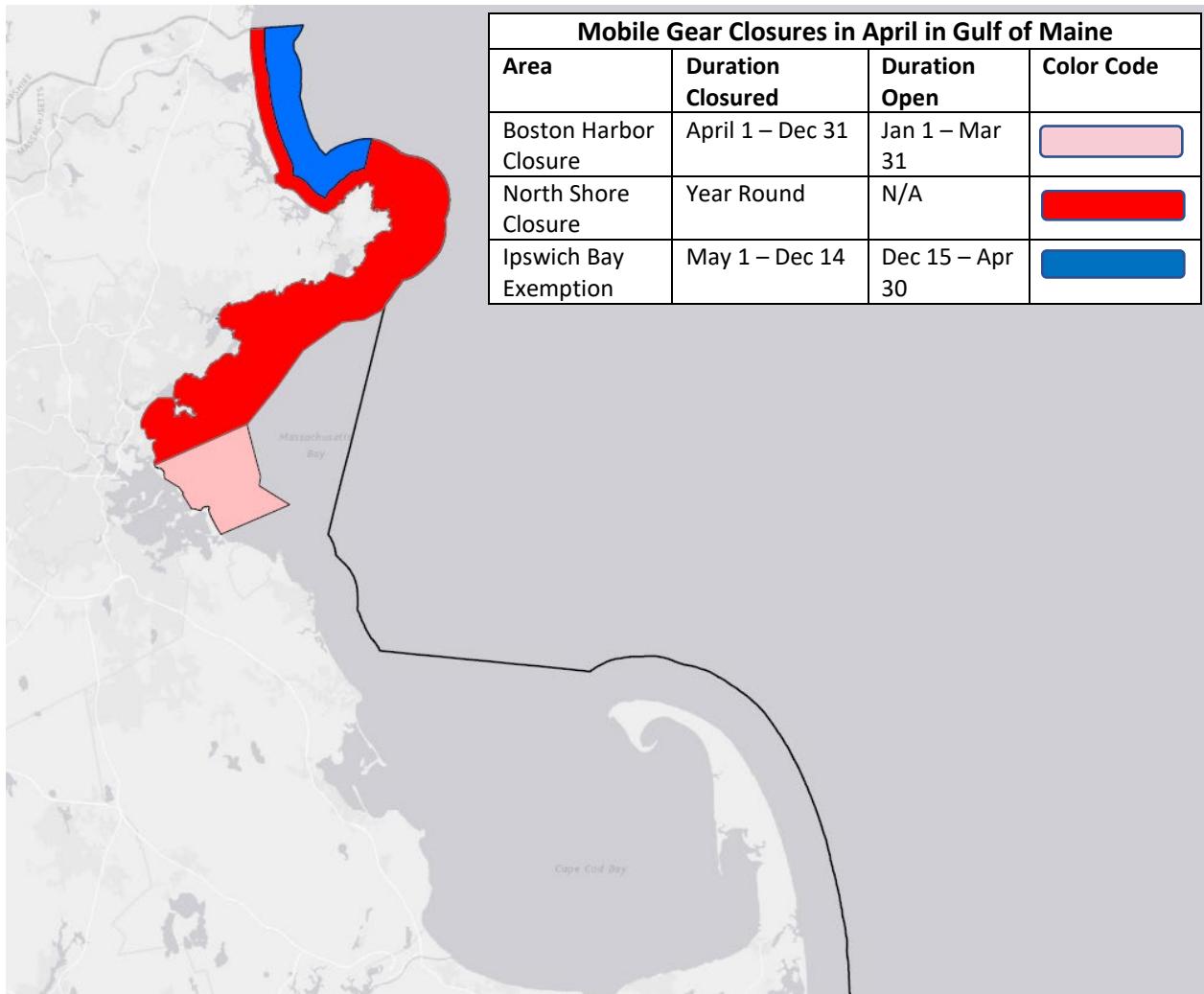
February 1 - May 31



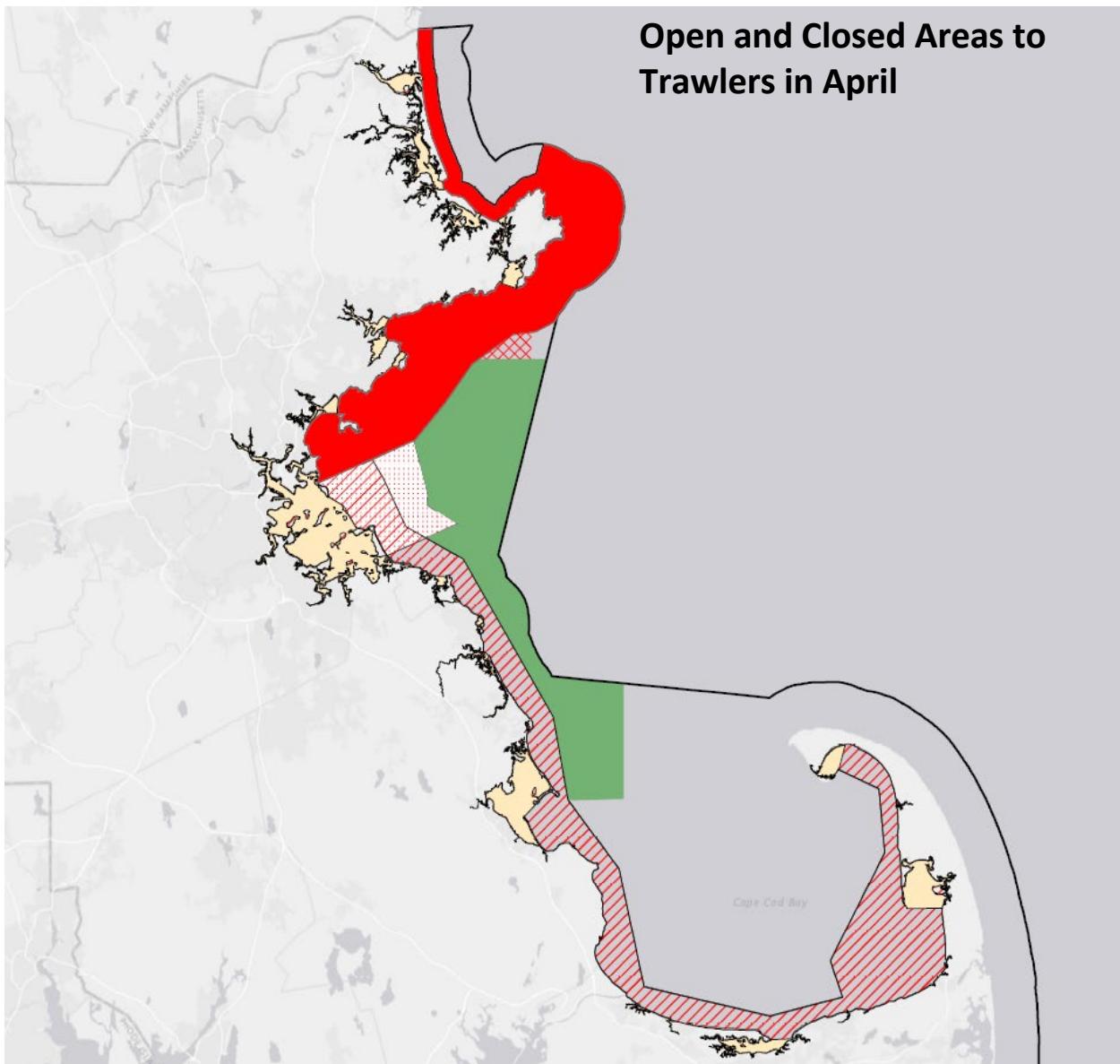


**Restricted Inshore Net Areas  
Closed Year-Round to Trawls and Gillnets**



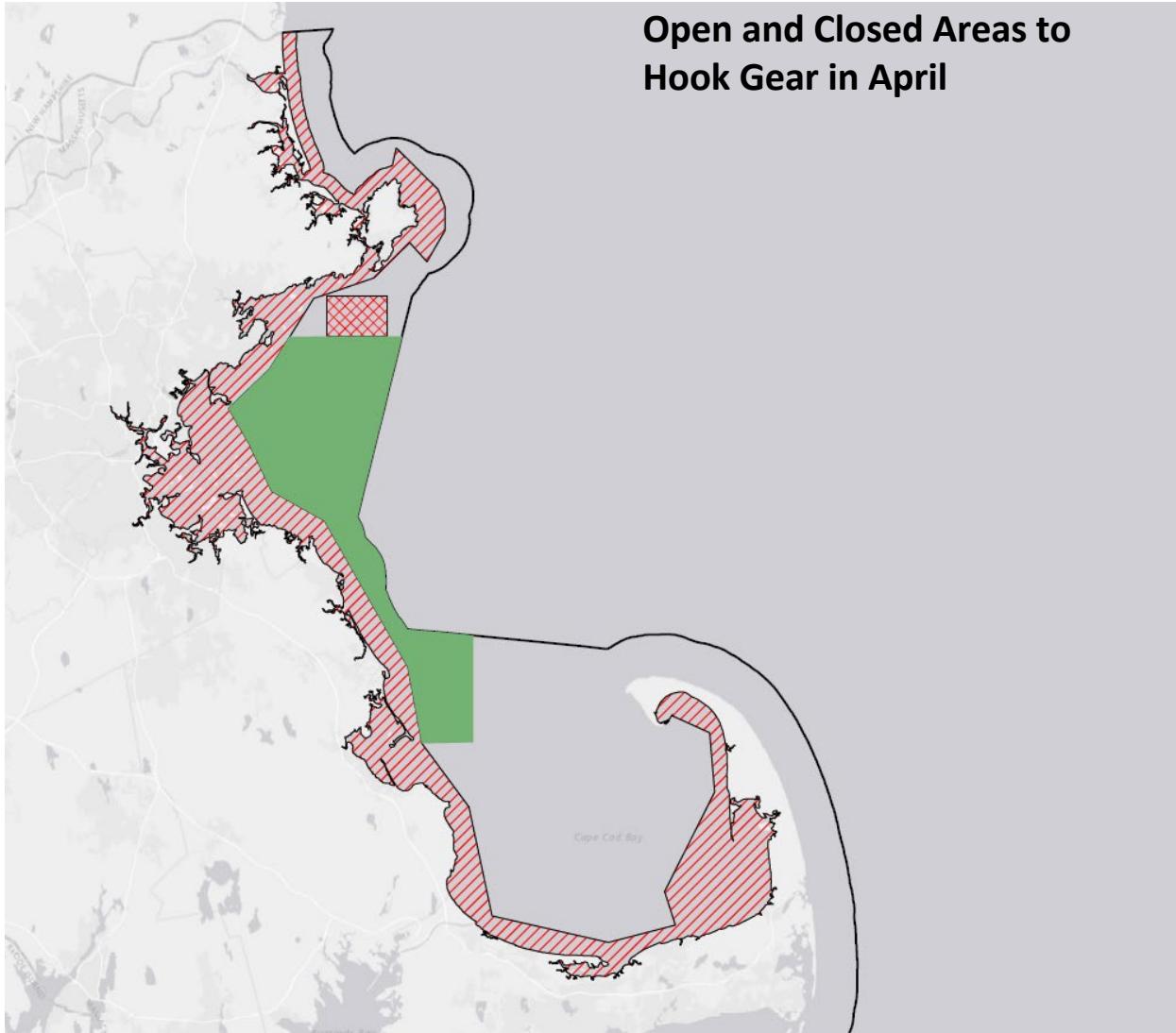


## Open and Closed Areas to Trawlers in April



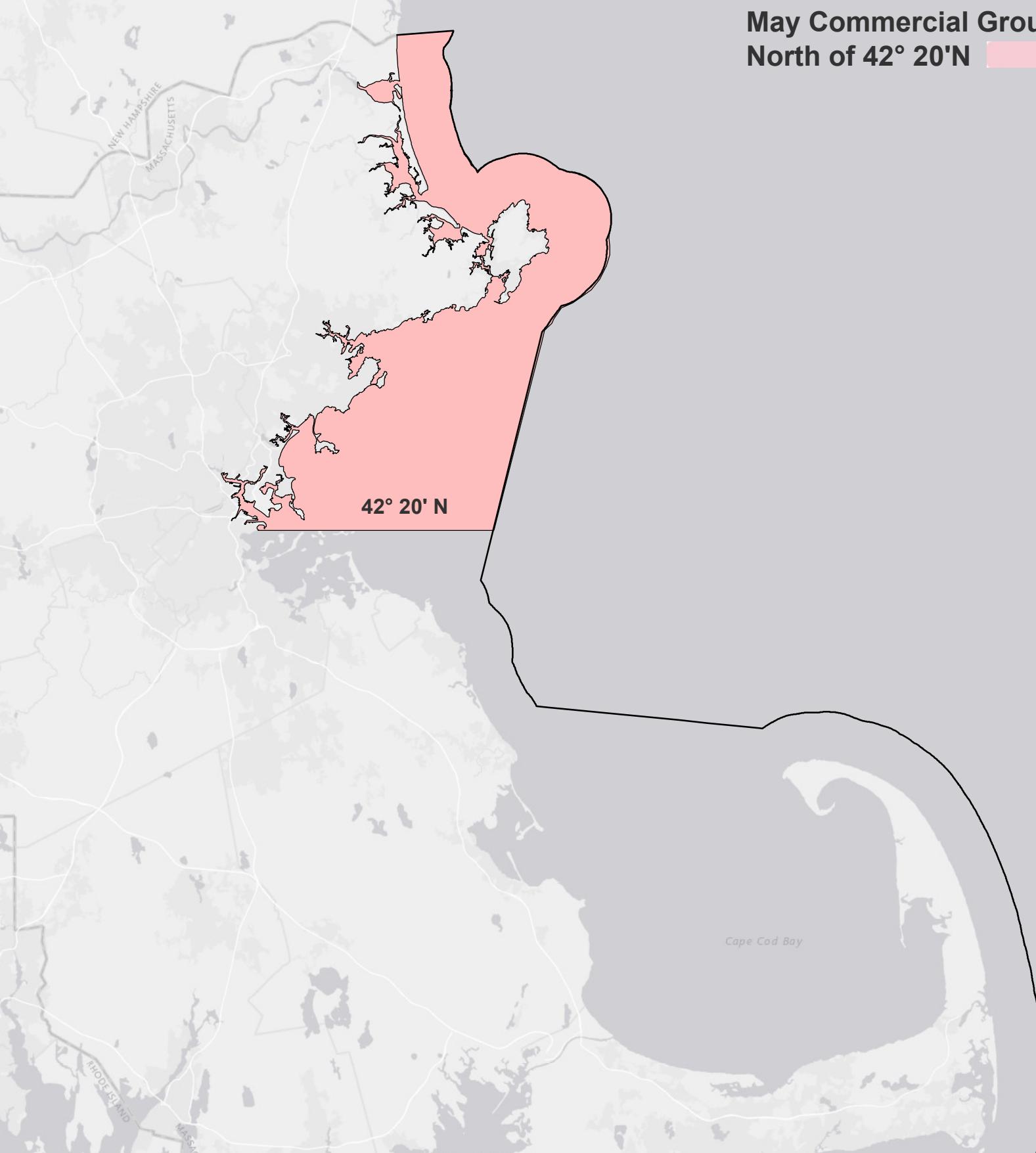
Area	Color Code
North Shore Mobile Gear Closure	Red
Boston Harbor Mobile Gear Closure	Blue dotted
Winter Flounder Spawning Closure	Blue hatched
Spring Cod Conservation Zone Closure	Red hatched
Inshore Net Area Closure	Yellow
Area to Be Opened to Trawlers	Green

## Open and Closed Areas to Hook Gear in April

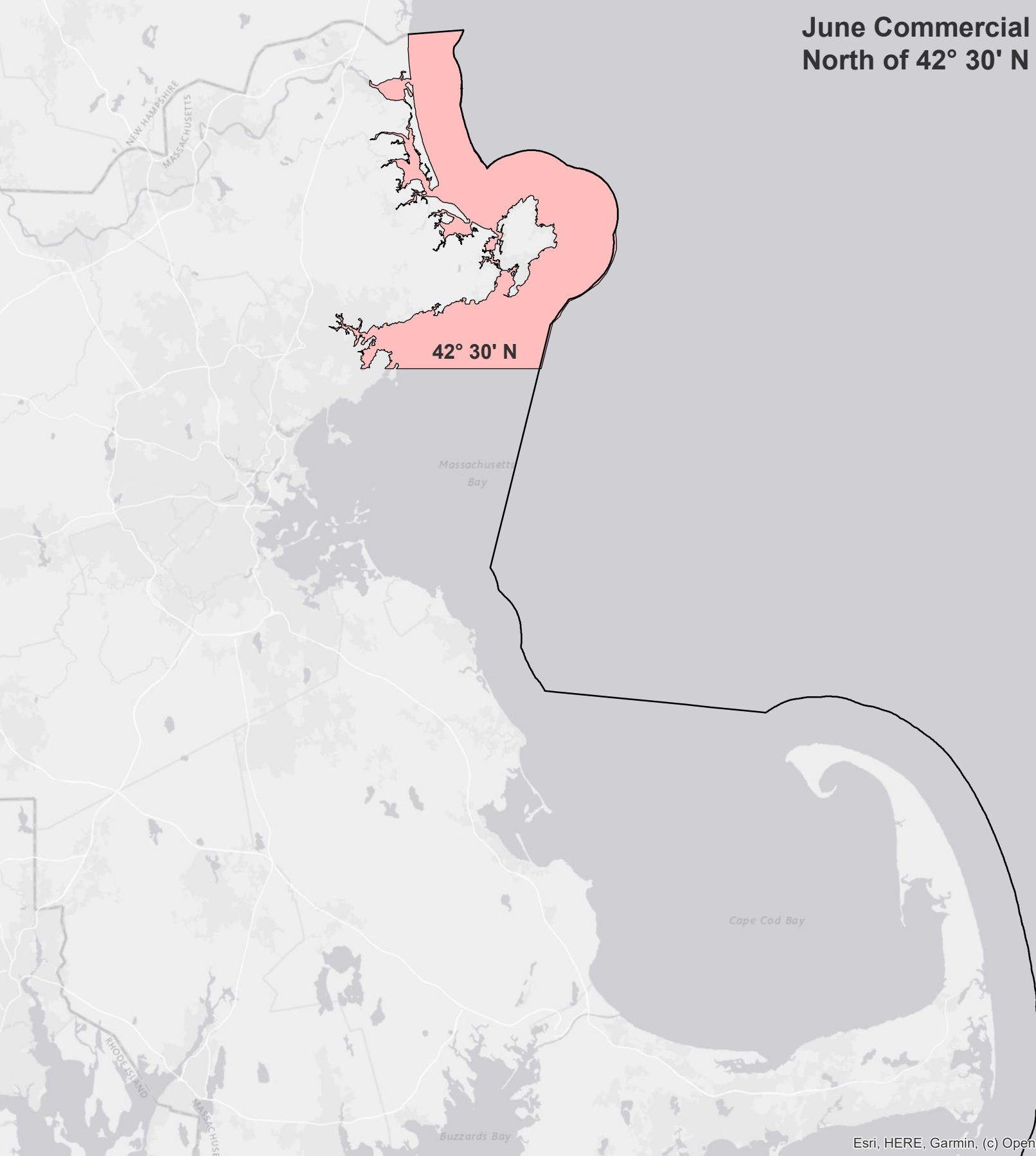


Area	Color Code
Winter Flounder Spawning Closure	Red Hatched
Spring Cod Conservation Zone Closure	Blue Hatched
Area to Be Opened to Hook Gear	Green

May Commercial Groundfish Closure  
North of  $42^{\circ} 20' N$



June Commercial Groundfish Closure  
North of 42° 30' N



**From:** [David Fewster](#)  
**To:** [Fish, Marine \(FWE\)](#)  
**Subject:** Against opening.  
**Date:** Saturday, February 27, 2021 9:07:27 AM

---

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Good Afternoon Folks

I hold a RI multi purpose Fishing license and a Massachusetts commercial fishing license. I am AGAINST opening the closed groundfish area. This is a very important time for spawning . The minimal financial bump for a few select fisherman will cause greater hardship in the future for all... Please keep this area closed and let these fish continue to to rebuild their numbers. Thankyou

David Fewster  
East Providence , RI

Sent from my iPhone

**From:** [Patrick McEachen](#)  
**To:** [Fish, Marine \(FWE\)](#)  
**Subject:** Allowing Groundfish Taken Early  
**Date:** Tuesday, February 23, 2021 4:51:44 PM

---

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Hello my name is Patrick McEachen I have been a avid angler for many years here in Quincy,Boston Harbor and South Shore etc.

Please do not allow the opening of the grounds boats /daggers to wipe out any existing stocks of Flounder Cod or whatever else that may be wiped out and continue keep restrictions on this serious problem will because it would wipe out the grounds stock "New Groundfish" for the next four to five years atleast.

In last five years I have consistently fished for groundfish aboard a couple of different Charter Boats including my own Boat. Only to see a tougher season after the previous season and now to maybe allow the daggers in sensitive waters early I think is going to be a complete disaster for recreational anglers, charter boat capt. Trying to make a living and ofcoyrse the paying clients who look forward to catching groundfish.

Please reconsider your decision and feel free to contact me if you have any questions or concerns. I am out on the water frequently and may be able to answer important questions you may have.

Patrick E. McEachen. (617) 870 - 1187

Thank You for listening to my concern

Patrick McEachen

**From:** [Dana L. Blackman](#)  
**To:** [Fish, Marine \(FWE\)](#)  
**Subject:** April 1 Groundfish Opening  
**Date:** Sunday, February 21, 2021 4:43:05 PM

---

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To Whom it my concern,

I would like to see April open so I can start ground fishing that month like have done in years passed and have the same amount fishing time before the October closure.

Thank you for your time,

Dana L. Blackman

F/V Finestkind

**From:** [Paul Tokarz](#)  
**To:** [Fish, Marine \(FWE\)](#)  
**Subject:** April closure comments  
**Date:** Friday, February 19, 2021 9:09:15 AM

---

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Good morning my name is Paul Tokarz TOKARZ and I'd like to put a comment in in regards to the closure opening of the air program fish waters I am not for opening the closure we don't use or the state and federal government doesn't use hard-core real data to evaluate the conditions of the fisheries everything is suggested or hypothetical and typical trend run 4 to 5 years you can't go based off of last year or the year before his presence just like the kite industry which collapsed years ago it is not even near where it needs to be today with all the enforcement regulations put in place to continue to restock build a restock efforts of all our fisheries striped bass cod Haddick everything when the quote is aunt Matt it's not because people aren't fishing it it's because the fish I've moved to different locations or just aren't there to be caught anymore this is evident with codfish it is evident with Haddick it is evident with striped bass it is evident with the tag and it is evident with black Seabass again I am not in favor of re-opening the fisheries I am for protecting the fisheries and the fisherman but if the fisherman don't learn to suffer and we deplete our stock of fisheries nobody wins

Thank you for reading and be safe

Sent from my iPhone

**From:** [Michael Polisson](#)  
**To:** [Fish, Marine \(FWE\)](#)  
**Cc:** [Reed, Story \(FWE\)](#)  
**Subject:** april closure  
**Date:** Saturday, February 20, 2021 11:40:22 AM

---

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I believe this is a step in the right direction.....mass fishermen should be allowed to catch as much as possible of the annual allocation due to them.....fishermen should be always be allowed to catch 100% of our instate quota allocations...your job is to make sure we always are allowed to catch all of our quotas not restrict us so the applicable species can swim elsewhere and be taken by non Massachusetts fishermen.

Thank you Michael Polisson      permit #000320

**From:** [bpijp04@yahoo.com](mailto:bpijp04@yahoo.com)  
**To:** [Fish, Marine \(FWE\)](#)  
**Subject:** April ground fish closer  
**Date:** Friday, February 19, 2021 11:30:24 AM

---

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Lifting restrictions a bad idea to commercial  
Fisherman. I'm surprised it's even being thought of

Sent from my iPhone

**From:** [borntotow](#)  
**To:** [Fish, Marine \(FWE\)](#)  
**Subject:** April groundfish closure  
**Date:** Friday, February 19, 2021 3:05:26 PM

---

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To whom it may concern, I would like to go on record to say that I would like DMF to lift the April groundfish closure again this year. I dont believe opening up April 1st will hurt the quota for the year. Please take this into serious consideration, we need to get back fishing in these areas. Thank you Jim Keding F/V MARY K, ZNK FISHERIES Plymouth

Sent via the Samsung Galaxy S8+, an AT&T 5G Evolution capable smartphone

**From:** [Thomas Blinstrub](#)  
**To:** [Fish, Marine \(FWE\)](#)  
**Subject:** April Groundfish closure  
**Date:** Tuesday, March 2, 2021 1:51:32 PM

---

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I am in favor of opening April to groundfishing. I fish just outside of Scituate. I wish they would keep it open in October also.

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N.B. The Massachusetts Secretary of State has determined that Email is a public record.

**From:** [russell stebbins](#)  
**To:** [Fish, Marine \(FWE\)](#)  
**Subject:** April groundfishing closure 2021  
**Date:** Tuesday, February 23, 2021 4:04:25 PM

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Please do not lift the temporary groundfish closure for April 2021. I saw so few fish with "net rash" in 2020. The commercial nets clearly have a negative impact on the fisheries ability to recover. Thank you.

rhs

**From:** [William Lawrence](#)  
**To:** [Fish, Marine \(FWE\)](#)  
**Subject:** April  
**Date:** Monday, February 22, 2021 5:49:57 PM

---

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Please keep the commercial fisherman off the grounds through April. Too fragile an ecosystem to have them tearing up spawning fish.

Thank you

Sent from my iPad

**From:** [Robert L. Bolger](#)  
**To:** [Fish, Marine \(FWE\)](#)  
**Subject:** Closure in state waters  
**Date:** Wednesday, March 3, 2021 10:29:18 PM

---

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To whom it may concern:

Please keep the current closure of commercial fishing on ground fish in state waters for March and April.

Please do not lift this ban in 2021.

I am a recreational fisherman.

Thank you, Robert L. Bolger

**From:** [Sydney Schultz](#)  
**To:** [Fish, Marine \(FWE\)](#)  
**Subject:** Cod fish  
**Date:** Friday, February 19, 2021 10:46:03 AM

---

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What benefit does allowing commercial fishing in these areas provide? Nothing!!! Meanwhile recreational fishermen allowed to keep to keep only 1 fish for 2 weeks in cold weather in April!!

Sent from my iPhone

**From:** [Dominick Pucci](#)  
**To:** [Fish, Marine \(FWE\)](#)  
**Subject:** Comment for Proposed Action for Temporary Lift of Inshore Groundfish Closure  
**Date:** Sunday, February 21, 2021 11:40:21 AM

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There are no words to describe my profound dismay and disgust for this unconscionable proposal besides the need to appease some small commercial fishermen. This proposal will have incurable damage to the newly recovering inshore winter flounder fishery, and that will have a far larger negative financial impact on recreational fishing and all its supporting businesses than any gains that you've calculated on the commercial side

There's no secret that the inshore population of winter flounder is separate from the offshore population. The offshore population is in good health and can be commercially fished with good results. On the other hand, the MA's inshore population is just beginning to recover from an almost total annihilation due to overfishing. How can you justify again causing this fishery to collapse. It's inconceivable!!

As you well know during the 1960s-1970s winter flounder fishing was the Holy Grail for spring recreational fisherman in MA, especially in Quincy Bay. As the 80s progressed, this fishery all but disappeared due to overfishing by commercial and recreational fishermen alike. Over the past 10 years or so, this resource seems to be healing itself and there have been MODEST increases in the recreational catch, but at numbers nowhere near what was seen in the heyday. This recovery is tenuous at best and the concept of adding the pressure and physical damage of commercial trawling is just plain contraindicated to plans to reestablish this fishery for all in MA to enjoy.

When I originally read this proposal, I was hoping it was someone's idea of a bad joke. Now I realize it's a concerted suicide mission for winter flounder. I cannot more heartily express my opposition to this proposed travesty.

Dominick L Pucci, PhD

**From:** [Luciano Mascari](#)  
**To:** [Fish, Marine \(FWE\)](#)  
**Cc:** [Luciano.mascari@gmail.com](mailto:Luciano.mascari@gmail.com)  
**Subject:** Comment on - Public Comment Sought on Proposed Action to Temporarily Lift the State-Waters Groundfish Closure for April 2021  
**Date:** Tuesday, February 23, 2021 2:28:10 PM

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I am opposed to lifting the state waters groundfish closure and I have a groundfish permit. I dispute the COVID resulted in still low landings as the significant factor and attribute this to still low biomass of older fish. Please do what's right to restore the biomass as we are beginning to see some positive results. Thank you.

Kind regards,  
Luciano Mascari

**From:** [alsmegal@aol.com](mailto:alsmegal@aol.com)  
**To:** [Fish, Marine \(FWE\)](#)  
**Subject:** do not lift the closure  
**Date:** Friday, February 19, 2021 3:21:38 PM

---

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*Dear Mr. McKiernan  
Please do not lift the closure  
There is evidence that this effort has worked.  
I cannot understand why we would even consider lifting it.  
Let common sense prevail  
Show us that the organization change to your leadership, will continue  
the closure AS IS.  
DO NOT CHANGE IT  
Regards  
Al Smegal*

**Albert B. Smegal**

Licensed Insurance Agent  
Health Markets Agency  
Life, Health, Medicare, Long-Term Care, Disability  
16 Eden St., Millis, MA 02054  
P 508-794-1633 M 508-308-8452 F 508-794-1633  
[alsmegal@aol.com](mailto:alsmegal@aol.com)

**From:** [timmerso@aol.com](mailto:timmerso@aol.com)  
**To:** [Fish, Marine \(FWE\)](#)  
**Cc:** [jason@littlesister1.net](mailto:jason@littlesister1.net); [timmerso@sbcglobal.net](mailto:timmerso@sbcglobal.net); [mpetersen@ccfc-ct.org](mailto:mpetersen@ccfc-ct.org)  
**Subject:** Dagger Decimation  
**Date:** Friday, February 19, 2021 6:01:20 PM

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Dear Mr. McKiernan:

As a concerned out-of-State angler and employee of Long Island, NY's Town of Oyster Bay Environmental Resources Dept. that has greatly enjoyed flounder/bottom fishing in Boston Harbor over the past decades, I deplore the cowardly non-action of the DMF in not enforcing CLOSURE TO DRAGGERS IN ALL STATE WATERS for the months of March **and April!** The flounder population has been decimated and only in recent years, shown a minimal resurgence. To oppose lifting of the closure would give flounder and other 'Spring species', a chance to rebuild their populations. Currently, far too many immature fish are being taken, making propagation of the species difficult, if not impossible. Please take what you undoubtedly already know to be the proper course of action in backing CLOSURE during March **and April!** Thank you in advance for your anticipated attention to this important matter.

Very truly yours,

Thomas Immerso  
183 Massapequa Ave.  
Massapequa, NY 11758

**From:** [STEVE IMMERSO](#)  
**To:** [Fish, Marine \(FWE\)](#)  
**Subject:** Flounder fishery closure - Quincy Bay  
**Date:** Sunday, February 21, 2021 4:35:01 PM

---

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Dear Mr. McKiernan:

As a former resident of New York and now living in Connecticut, I have long enjoyed the springtime flounder fishery that is rooted in Quincy Bay and its surrounding waters. The fishery was so strong that nothing, not even boatloads of eager fishermen from surrounding states could deplete it – or so it seemed. Yet what all these avid fishermen could not do over many years HAS been done in just a short few years by allowing commercial dragging interests to work unchecked just outside the bay and depleting the flounder fishery. How do we know this is true? Consider that after years of decline, the 2020 spring run showed a marked resurgence in the fishery - because VERY FEW draggers (because of covid regulations), were out 'harvesting' every day as they had done in years past (and killing all undersized flatfish in the process). Please don't make 2021 another 'let's see' year – enact legislation to save our fishery for years to come and don't cater to the special interests of the select few of the commercial fishing fleet. Proactive legislation in New York State (the Hudson River) saved their striped bass population from near-extinction – let's take a lesson from their playbook and use it to save Quincy Bay's flounder nursery and breeding grounds.

Please consider CLOSURE TO DRAGGERS IN ALL STATE WATERS for the months of March and April (**adding May would reap even further benefits**) to keep our flounder population healthy and vibrant for years to come. The time to act is NOW, before the Spring migration begins. Another year of inaction will surely have devastating consequences.

Very truly yours,

Steve Immerso  
1 Bayberry Lane  
Shelton, CT 06484

**From:** [TERRENCE LYONS](#)  
**To:** [Fish, Marine \(FWE\)](#)  
**Subject:** Flounder  
**Date:** Monday, February 22, 2021 5:50:13 AM

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Why don't you people for once do the right thing, draggers should not be allowed within two miles of shore year round. Not only do they deplete the resource they destroy the bottom ecosystem.

Terry Lyons  
Foxboro MA

**From:** [fishinglsister@aol.com](mailto:fishinglsister@aol.com)  
**To:** [Fish\\_Marine \(FWE\)](mailto:Fish_Marine (FWE).aol.com)  
**Cc:** [McKiernan, Dan \(FWE\)](mailto:McKiernan, Dan (FWE).aol.com); [fishinglsister@aol.com](mailto:fishinglsister@aol.com)  
**Subject:** Fwd: Public Comment Sought on Proposed Action to Temporarily Lift the State-Waters Groundfish Closure for April 2021  
**Date:** Friday, February 19, 2021 9:21:43 AM

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**Among the most outrageous moves the DMF can make!**

**First, they recognize there is an issue with ripping apart the fish when they move inshore and congregate to spawn and then they CONSTANTLY ignore their own findings and allow the decimation to continue.**

**I was under the impression that things would get better (I was assured by someone on this email) with the change from Pierce to McKiernan. I know this is not a "done deal" as of yet but looking at the past, 100% of the time this has come up for public comment the comments were overwhelmingly against the proposal and yet The DMF lifted the closure anyway. THIS CLOSURE "SHOULD" encompass ALL STATE WATERS and "SHOULD BE" for March and April.**

**Mr. McKiernan, consider this my "public comment" opposing the lifting of the closure and please show me you are different.**

Thank you!

**Captain Jason Colby**  
**Little Sister Charters**  
[fishinglsister@aol.com](mailto:fishinglsister@aol.com)  
617-755-3740  
[www.littlesister1.com](http://www.littlesister1.com)

---

From: marine.fish@public.govdelivery.com  
To: fishinglsister@aol.com  
Sent: 2/19/2021 5:55:37 AM Pacific Standard Time  
Subject: Public Comment Sought on Proposed Action to Temporarily Lift the State-Waters Groundfish Closure for April 2021

Having trouble viewing this email? [View it as a Web page](#).



**February 19, 2021**

## **Public Comment Sought on Proposed Action to Temporarily Lift the State-Waters Groundfish Closure for April 2021**

DMF is seeking public comment on lifting the conditional April groundfish closure for 2021. This annual closure was developed in 2019 to address allocative concerns that landings from the state waters-only groundfish fishery may impact access to federal groundfish quotas. By regulation, those state waters between 42°00'N (Plymouth) and 42°30'N (Marblehead) west of 70°30' W are closed to commercial groundfish fishing in April. However, the closure may be lifted on an annual basis if DMF projects the action will not result in an exceedance of the annual federally allocated state-waters subcomponent for regulated groundfish stocks or will not compromise federal conservation objectives.

DMF has analyzed landings data for the current fishing year (May 1 – April 30) and intends to lift the conditional April groundfish closure this year. Landings for the

current fishing year are well below the federally allocated sub-components, likely driven by COVID related impacts on fishery effort last spring and summer.

Accordingly, it is unlikely that an April opening will result in an exceedance of the state waters sub-components or of overall annual catch limits. Further information on this analysis may be found in DMF's February 12, 2021 [memorandum](#) to the Marine Fisheries Advisory Commission.

DMF will accept written public comment on this proposal through 5PM on Friday, March 5, 2021. Written comment may be submitted to by e-mail to [marine.fish@mass.gov](mailto:marine.fish@mass.gov) or by post sent to 251 Causeway Street, Suite 400, Boston, MA 02114. The Marine Fisheries Advisory Commission will consider adopting this action at their March 18, 2021 business meeting.

For more information regarding the management of marine fisheries in the Commonwealth please visit our website: [www.mass.gov/marinefisheries](http://www.mass.gov/marinefisheries)

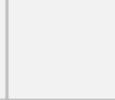
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groundfish closure



#### **Massachusetts Division of Marine Fisheries**

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**From:** [Richard Vincunas](#)  
**To:** [Fish, Marine \(FWE\)](#)  
**Subject:** Groudfish closure  
**Date:** Friday, February 19, 2021 11:23:26 AM

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If the area outlined are known to be cod spawning grounds in April. There should be no commercial fishing allowed at that time. Secondly cod are considered to be a public resource and as such the public recreational fishing sector should be prioritized over a hand full of commercial boats. So if fishing in April this close to shore is being considered the recreational fleet should be allowed access

Sent from my iPhone

**From:** [Mark Veduccio](#)  
**To:** [Fish, Marine \(FWE\)](#)  
**Subject:** Ground fish ban lifted in April  
**Date:** Friday, February 19, 2021 1:00:06 PM

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So you're organization wants to harvest Flounder during the spawning season?  
If I am correct your group cares much more about commercial harvesters than anything else.  
Including biomass.

You always seem to negate recreational fisherman to a much lower class than the privileged commercial permit holders you seemingly crave to appease under all circumstances.

So no no opening in April for the rich too line there fat pockets at the public and fish expense.

Thank you

[Sent from Yahoo Mail for iPhone](#)

**From:** [Center](#)  
**To:** [Fish, Marine \(FWE\)](#)  
**Subject:** Ground fish closure ?  
**Date:** Friday, February 19, 2021 11:19:59 PM

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Please lets just keep it closed for April. The stocks are trying to spawn and build. So give them the chance they need and no fishing by anyone. PERIOD

Bill Biswanger  
1 Hayes Dr  
Townsend Ma 01469  
978 337 0696

**From:** [Richard McGlynn](#)  
**To:** [Fish, Marine \(FWE\)](#)  
**Subject:** Ground Fish Closure  
**Date:** Friday, February 19, 2021 11:17:18 AM

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Massachusetts Division of Marine Fisheries

Richard McGlynn

17 Butternut Ave.

Peabody, Ma. 01960

To Whom It May Concern,

As an avid boater and recreational fisherman on the North Shore of Boston, I myself do not think that it is a good idea to lift the State – Waters Groundfish Closure for 2021. Having fished the area for many years it has been apparent that many of the groundfish species are only starting to recover. Although the old Cod Conservation Area just south of Gloucester may have held some fish I feel that more time is needed. Recreational fisherman still cannot take cod, with small exception and if not for the return of some baitfish to the area even striped bass have not fully recovered. If restrictions are to be relaxed consider lifting the recreational moratorium on cod and make the size limit 21" with a 2 fish maximum. Also there is no reason a recreational fisherman should desire to retain 15 small haddock at 17". Anything more than 10 is too many at 17".

Best Regards

Rich McGlynn

Miles From Nowhere

NO1283573

**From:** [Carmine Zottoli](#)  
**To:** [Fish, Marine \(FWE\)](#)  
**Subject:** Ground fish closure  
**Date:** Friday, February 26, 2021 7:06:14 PM

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Keep it closed my uncle took me fishing 60 yrs ago. I loved it because we caught fish. I would like to take my grandchildren fishing to.

Sent from my iPhone

**From:** [Wesley Penney](#)  
**To:** [Fish, Marine \(FWE\)](#)  
**Subject:** Ground fish opening comments  
**Date:** Saturday, February 27, 2021 5:10:11 PM

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To whom it may concern:

As the owner of a lobster boat in Boston I would like to see ground fish open for April 2021 especially as a hook and line only fishery. This would help alleviate the loss of income due to the fixed gear closed season. While lobstering in February to May is not a large percent of my annual income, it does allow me to keep my sternman working throughout the year when I stayed fishing during February to May. The lost income to my sternman is significant, even when fishing on small catch. This opening would allow small boat operations to make some money during the closed months.

Sent from my iPad

Regards,

Wesley Penney

**From:** [surfcastjk@aol.com](mailto:surfcastjk@aol.com)  
**To:** [Fish, Marine \(FWE\)](#)  
**Subject:** Ground fish  
**Date:** Friday, February 19, 2021 6:50:41 PM

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Dear sir;

Let the closure stand . The resource should be allotted to recreational fishing without dragging. This is a environmentally conscious way to fish.

John Kokoszka  
Sent from my iPhone

**From:** [Don Malo](#)  
**To:** [Fish, Marine \(FWE\)](#)  
**Subject:** Ground fish  
**Date:** Friday, February 19, 2021 1:40:10 PM

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Keep the closure for commercial fishing, it will allow more growth and return for all next year.

Sent from my iPhone  
Don Malo

**From:** [Carl Johansen](#)  
**To:** [Fish, Marine \(FWE\)](#)  
**Subject:** Hearing  
**Date:** Friday, February 19, 2021 4:39:19 PM

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We should keep the resource closed as was originally planned . It is time we consider all aspects of these resources and do the right think for them Thank you for your consideration of my view point. Peace and Prayers

Carl Johansen

28 Oxford Road East Sandwich 02357

[anglerjj@comcast.net](mailto:anglerjj@comcast.net)

**From:** [Harry Van Sciver](#)  
**To:** [Fish, Marine \(FWE\)](#)  
**Subject:** Keep Them Closed  
**Date:** Friday, February 19, 2021 9:17:26 AM

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Protect dwindling stocks, let them spawn.

Harry. Sent from mobile device. Not Spell-Checked.

**From:** [chris mace](#)  
**To:** [Fish, Marine \(FWE\)](#)  
**Subject:** Lifting April closure in MA for groundfish  
**Date:** Friday, February 19, 2021 4:56:27 PM

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Are you going to lift the cod prohibition in MA state water for private recreational boaters as part of this decision!?

Please do not lift the April groundfish closure in MA!! We finally get a good season in 2020 and you're taking that as an opportunity to lift the structures that made it all possible!

Recreational fisherman typically cannot show up to your meetings - you must realize how many of us are out there and paying attention and care about this. We're not there because we have non-fishing day jobs and are working (the more fortunate among us that still have jobs) to make the money to spend all over the region on recreational fishing - boats marinas, bait, tackle food ice fuel and so on.

Don't just cut the draggers loose! Limiting access is good stewardship. Lifting the closure will only set the expectation and business assumptions for commercial exploitation going forward and make your job harder next year. Don't punt on this.

We need fewer draggers not more. Opening things up encourages growth. There are already enough draggers and packing plants - encouraging growth in this industry is a detriment to existing commercial operators and recreational fishermen alike.

--  
Chris Mace  
917 825 2004

**From:** [Stephen Penta](#)  
**To:** [Fish, Marine \(FWE\)](#)  
**Subject:** Lifting Ground Fish Closure for April 2021  
**Date:** Wednesday, February 24, 2021 11:37:08 AM

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DMF:

Suggest you take this opportunity of ongoing low fishing pressure due to Covid by keeping the ground fish closure in effect in order to allow the fisheries an extended low harvest period in order to broaden the entire biomass base thereby increasing long term reproductivity and sustainability.

**From:** [Matt Fitzgerald](#)  
**To:** [Fish, Marine \(FWE\)](#)  
**Subject:** Lifting state water groundfish closure?????  
**Date:** Friday, February 19, 2021 7:15:48 PM

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Please stop encouraging commercial fisheries to destroy our public resource! Have you not learned a thing????? We don't want this. You are causing untold harm to our oceans and fisheries. You know this but do not care. The majority has spoken and we don't want this yet you keep pushing for it. Mind boggling!!!!!!!!!!!!!!

**From:** [arthur molinari](#)  
**To:** [Fish, Marine \(FWE\)](#)  
**Subject:** Lifting temporary groundhogs closure for April 2021  
**Date:** Friday, February 19, 2021 4:46:13 PM

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I am opposed to lifting this groundhogs closure for April 2021

**From:** [Jon](#)  
**To:** [Fish, Marine \(FWE\)](#)  
**Subject:** Lifting the ground fish closure.  
**Date:** Friday, February 19, 2021 6:39:26 PM

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Insane. Absolutely insane. I can't fathom why this would be lifted after the determination was made that those fish were falling victim to inshore commercial fishing while vulnerable during the spawn. To suggest it's better because of covid is equally illogical. I'd like to better understand how all of those findings that caused the closure could now be ignored in such a short time period.

Truly disheartening.

Thanks,

Jon

**From:** [Patrick Masters](#)  
**To:** [Fish, Marine \(FWE\)](#)  
**Subject:** Ma ground fish closures should NOT be lifted  
**Date:** Wednesday, March 3, 2021 1:35:04 PM

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**Among the most outrageous moves the  
DMF can make!**

**First, they recognize there is an issue  
with ripping apart the fish when they  
move inshore and congregate to spawn  
and then they CONSTANTLY ignore  
their own findings and allow the  
decimation to continue.**

**I was under the impression that things  
would get better (I was assured by  
someone on this email) with the change  
from Pierce to McKiernan. I know this is  
not a "done deal" as of yet but looking  
at the past, 100% of the time this has  
come up for public comment the  
comments were overwhelmingly  
against the proposal and yet The DMF  
lifted the closure anyway. THIS  
CLOSURE "SHOULD" encompass ALL  
STATE WATERS and "SHOULD BE"  
for March and April.**

**Mr. McKiernan, consider this my  
"public comment" opposing the lifting  
of the closure and please show me you  
are different.**

**Thank you!**

**Patrick M.**

Sent from my iPhone

**From:** [Joseph Gomes](#)  
**To:** [Fish, Marine \(FWE\)](#)  
**Date:** Friday, February 19, 2021 1:46:09 PM

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On the April opening of fishing, I wonder if consideration of the time of breeding is being taken into consideration?

Surely we must place the successful breeding of the species in question ahead of quotas reached or not reached and do so at all times. I'm personally not familiar with the breeding seasons of all the fish in question but would advocate for Not opening the season until after the major portion of the population has bred. Obviously recruitment success needs to be verified in order for any program to be successful.

In summary, I feel that population size and health are more important than the quota allotment imposed by we human fisheries managers.

Joseph Gomes

**From:** [Tom Foxon](#)  
**To:** [Fish, Marine \(FWE\)](#)  
**Subject:** Open ground fishing  
**Date:** Friday, February 19, 2021 9:10:29 AM

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My vote is to open ground fishing due to current conditions and the financial health of commercial fishermen. Time to worry about what's going on above the surface vs below without too much of a step back

Tom Foxon  
Recreational fisherman

Sent from my iPhone

**From:** [Ronnie Strohsahl](#)  
**To:** [Fish, Marine \(FWE\)](#)  
**Subject:** Opposed to March-April Ground fishery Opening  
**Date:** Friday, February 19, 2021 3:58:16 PM

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Hi,

I'm very much opposed to allowing the ground fishery season to open to commerical ground trawlers in March and April this year. Ground trawling is the equivalent of a razed earth capture method, destroying habitat and killing other bycatch. Also, fish populations are already over-fished throughout the world, including MA. You mention on the request for public comment that landings are down for this year - maybe we should let the populations recover from our ever-increasing harvesting and allow them to grow more than a quarter-inch over the legal limit size.

The inshore commercial groundfish season should remain closed through March and April in all waters of the Commonwealth.

Sincerely,  
Ron Strohsahl  
Groton, MA

**From:** [clydejazz@aol.com](mailto:clydejazz@aol.com)  
**To:** [Fish, Marine \(FWE\)](#)  
**Subject:** Please close commercial ground fishing for March and April  
**Date:** Friday, February 19, 2021 5:45:30 PM

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The evidence is obvious that pounding the inshore fishery when the fish move inshore to spawn devastates the stock. Time to face facts. Please close commercial ground fishing for ALL state waters in Massachusetts for March and April.

thank you,  
Clyde Cortright  
39 Jaffrey St.  
Weymouth, MA 02189  
[clydejazz@aol.com](mailto:clydejazz@aol.com)

**From:** [amarujb@comcast.net](mailto:amarujb@comcast.net)  
**To:** [Fish, Marine \(FWE\)](#)  
**Subject:** Possible opening of April groundfish closure  
**Date:** Saturday, February 27, 2021 8:00:03 AM

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My comments follow:

I have thought hard on this potential additional access for cod fishing in a previously closed area.

I have often favored additional access for the take of fish I have, by personal experience, seen in abundance when fisheries scientists said few existed. This often resulted in discards of perfectly good fish, one of the tragedies of modern fishery management in the modern era.

That scenario does not exist here.

Coming to the conclusion that the area in question should remain closed for the month runs contrary to my fundamental principles until we look at the fish available in that region.

Despite the low landing level and potential for some modest income from additional cod landings, I believe the industry will be better served by allowing those fish to remain in the water, spawn, grow and contribute more to catch potential in the near future. Our national government in partnership with State efforts, have provided plenty of financial assistance for fishermen. As of today we have additional funds Nationally of nearly 2 TRILLION DOLLARS coming our way. The fishing industry will receive its share.

My personal fishing experiences the past year in the area under consideration tells me the cod there should be left there. Whether it's warming water, changing predator/ prey relationships or some other combination of factors, it is obvious to me cod need all the help they can get.

From my perspective, access provided by opening the area comes at too great a cost.

Thanks for the opportunity to comment.

Sincerely,  
Bill Amaru

Sent from Xfinity Connect App

**From:** [cameronbrandt@aol.com](mailto:cameronbrandt@aol.com)  
**To:** [Fish, Marine \(FWE\)](#)  
**Subject:** Proposal to lift the conditional groundfish closure  
**Date:** Wednesday, March 3, 2021 5:21:15 PM

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I am writing to record my opposition to the proposal to lift the conditional April groundfish closure for 2021.

During this period, in happier days, I frequently encountered spawning cod and pre-spawn winter flounder in the areas that would be opened to fishing. Given the state of both stocks, the logic of increasing the pressure on spawning fish makes no sense to me. While there are some nods to protecting spawning fish, both flounder and cod move around.

I am not opposed to increasing the opportunities for commercial fishermen to access established quotas. But I believe there are better ways of doing so than lifting this closure.

Cameron Brandt  
Cambridge, MA  
617-851-4645

**From:** [ihasychak@aol.com](mailto:ihasychak@aol.com)  
**To:** [Fish, Marine \(FWE\)](#)  
**Subject:** PROPOSAL TO TEMPORARILY LIFT THE STATE -WATERS GROUNDFISH CLOSURE FOR APRIL 2021 Temporarily Lift the April 2021  
**Date:** Friday, February 26, 2021 11:57:54 AM

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Dear Sirs

I am writing as a concerned, licensed Massachusetts recreational fisherman to express my extreme concern regarding the Proposed Action to Temporarily Lift the State-Waters Groundfish Closure for April 2021

**I am wholeheartedly 100% against it.**

DMF should prioritize the findings from the latest assessment models in order to reduce uncertainty and more accurately assess the winter flounder stock status and improve reference point goals. Current state waters regulatory policies should immediately be implemented in order to significantly lower winter flounder mortality now, when there is an extremely low probability of the region's winter flounder stock meeting the designated rebuilding plan goal.

This is certainly a case in which it is far better to err on the side of cautious conservatism, while there still are some remaining stocks that could be allowed to rebuild.

Ground fishing is destructive to the environment and fish stock as well as being extremely wasteful given all the small and out of season fish and marine life discarded overboard, dead.

I have fished Massachusetts waters for close to 50 years and I am appalled, concerned and saddened by the continued and consistent decrease in fish stocks year after year. Technology and experience have made most of us better fisherman, but the results of our efforts do not coincide with our catch results. Those bus loads of fisherman arriving at Houghs Neck and renting scores of boats at Hurleys and other similar places had little skill, and certainly no technology, yet were able to catch all the flounder they wanted.

Please consider taking a conservative approach and allow flounder, and other ground fish stocks to rebuild.

THANK YOU

John

John Hasychak, Jr.  
P. O. BOX 73  
HOLLIS, NH 03049  
1-603-465-7590

**From:** [Robert Lie](#)  
**To:** [Fish, Marine \(FWE\)](#)  
**Subject:** Proposed Action to Temporarily Lift the State-Waters Groundfish Closure for April 2021  
**Date:** Friday, February 19, 2021 5:30:33 PM

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To Whom it May Concerns,

I am a recreational fisherman that very much cherish the opportunity to spend time to fish in the New England water, targeting the ground fish including winter flounder, flukes, haddock, cod and black sea bass . In the past few years, unfortunately, with the exception of the black sea bass, the ground fish populations in these waters have had a dramatic decline. One notable contributor to this decline is the pervasive commercial draggers that constantly destroy our in-shore fishing ground.

on several outings, we have had good outing days, only to be followed by the extreme opposite upon sighting of draggers present in the water. Many of the fish that we landed showed clear evidence of net rash.

Commercial fishermen, with their insatiable appetite to harvest any and all swimming creatures, fish species and their forage, in our water, has decimated the population of stripe bass and blue fish resulting in strict limit on their keep for recreational fishermen. Have we not learned from this lesson and plundering away our ground fish stock as well??

Please consider making the in-shore ground fish closure to be permanent to allow the fish population to rebound so that we all can enjoy them, both as sport sport and commercial fishing, as well as savoring the delicacy preciously unique to our water.

Thank you.

**From:** [Feldman, Mark](#)  
**To:** [Fish, Marine \(FWE\)](#)  
**Subject:** Proposed Action to Temporarily Lift the State-Waters Groundfish Closure for April 2021  
**Date:** Monday, February 22, 2021 10:39:55 AM

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Dear DMF,

Please do not under any circumstances lift the conditional April ground-fish closure for 2021! Your logic stating that the analysis of landing data are well below the allocated sub-components because of Covid 19 is hard to believe. As a recreational fisherman I've experienced the dramatic decline in both the number of ground-fish and the quality of the catch over the past 5 years. Covid may have affected some commercial fisherman but it certainly isn't the cause of the decline in fish numbers.

Commercial landings are not reaching their allocated annual catch limits because the fish stocks are being devastated by over-fishing during critical spawning season. By opening the commercial fishery earlier will likely wipe out most of the breeding ground fish in these waters and further destroy any chance of a rebound in the future.

What happens to the income of commercial fishermen with this short-sited approach? How about the recreational people that travel to our State to enjoy the great diversity of our fishing waters - do they come back when the fish are gone?

Give the ground-fish a chance to breed - continue to delay the openings as planned and think more about the future health of these critical waters.

Thanks,

Mark Feldman,

Massachusetts Resident and Recreational Fisherman



**From:** [Bill F](#)  
**To:** [Fish, Marine \(FWE\)](#)  
**Subject:** Proposed Action to Temporarily Lift the State-Waters Groundfish Closure for April 2021  
**Date:** Friday, February 19, 2021 9:58:46 AM

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Good Day All,

I would like to oppose any action that would allow commercial fishing for ground fish in the present protected area. The stock has not recovered enough to sustain commercial fishing.

We do not see people fishing the area because there is nothing to catch. The Recreational licensed fishermen are almost nonexistent along the shores because there are no ground fish to be found.

It has been years since I have seen someone take a Fluke, a Flounder, or any other ground fish from the shore or a small boat north of Boston.

Sincerely,

Bill Forster

Nahant, Massachusetts

**From:** [luigi milone](#)  
**To:** [Fish, Marine \(FWE\)](#)  
**Subject:** Proposed Action to Temporarily Lift the State-Waters Groundfish Closure for April 2021  
**Date:** Wednesday, March 3, 2021 11:42:51 AM

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Dear Director Mckiernan

I'm writing this email in hopes that this isn't another set in stone but let's ask public opinion because we have to policy. The ban on ground fishing state waters needs stay implemented to protect what little spawning cod and flounder we have left. The only viable ground fishery available for mass bay in 2021 is haddock and there is absolutely no reason to allow draggers to do that nearshore where species of less abundance are spawning. Please do not lift the April ban and allow what little we have gained to be netted away.

Sincerely,  
Luigi Milone

Commercial and recreational inshore fisherman

Sent from my iPhone

**From:** [Stu Osattin](#)  
**To:** [Fish, Marine \(FWE\)](#)  
**Subject:** Proposed April 2021 lift of groundfish closure  
**Date:** Friday, February 19, 2021 12:22:48 PM

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**CAUTION:** This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

This is response to your requests for comment on possibly lifting scheduled the April 2021 ground fish closure:

Are you folks nuts? How about exercising a little common sense!! I have fished those waters for many years and can attest to the fact that the ground fishing in that area has not been improving. In fact, it's definitely getting worse. And you want to open it up to more commercial!?! Commercial ground fishing is depleting the stocks, and you want to make it worse. Not to mention, it's becoming more clear that the commercial guys and their lobby groups only care about today, not the future.

Stu Osattin  
44 Pinecliff Drive  
Marblehead, MA 01945

**From:** [Chris Jill](#)  
**To:** [Fish, Marine \(FWE\)](#)  
**Subject:** Proposed Groundfishing Change  
**Date:** Friday, February 19, 2021 9:48:44 AM

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As a licensed charter boat captain and someone who has been groundfishing in the Gulf of Maine my entire life I don't think letting off the gas in terms of trying to improve the fishery is a good plan. There are fertile grounds inshore that serve as important habitat for the struggling species. Lifting the ban will further erode adjacent populations to the further offshore groups in crisis. One needs only to fish to see the status of where we are. There were solid populations in the late 90s and early 2000s and it has been all downhill from there. There is a hope that some of the inshore groups will help to repopulate the decimated offshore populations. The Whaleback area is a good example of the importance of certain grounds on the overall population. That area when open was exploited to ruin. Had those populations bred and been left alone we would be in a better place today.

Hoping that Covid will limit the impact of the opening is just that a hope. Recreational fishing is up 1000% just try to find a tip up or an ice auger. Folks are out in droves. Commercially the second the restaurants begin to rebound we will be on full force. Equally everyone who has been scraping by will be out to recover.

These are just my opinions but it would be sad if future generations would never know what a 70lb cod looks like.

Best,  
Chris

**From:** [Nick Davidovich](#)  
**To:** [Fish, Marine \(FWE\)](#)  
**Subject:** Public Comment on State Water Groundfish Closure  
**Date:** Wednesday, March 3, 2021 1:28:10 PM

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**CAUTION:** This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Hello,

This is Nick Davidovich. I am a chef and recreational fisherman who lives in Cambridge MA. I am writing to OPPOSE the opening of the state's groundfishing waters for April 2021.

With COVID doing it's worse this past year, one of the few bright spots has been an opportunity for our ocean life to get a break from our constant taking. It is believed by many that our ocean's fish stocks are being overfished. Even though "landings for the current fishing year are well below the federally allocated sub-components, likely driven by COVID related impacts on fishery effort last spring and summer", there is no harm in giving these fish another "breather" for 2021.

I understand the prerequisite argument for commercial fishermen, "I need to make a living". Well my ability to make a living was also hurt by COVID this past year, and if our fish stocks collapse that will also hurt mine and many others ability to make a living.

Even with restaurants getting ready to reopen, we are not looking at full capacity until the warmer months. Demand will not be at peak until we are at "normal". Let the fish spawn, let them have a chance. There is no downside to this.

Best,

Nick Davidovich

**From:** [Lauren Peruzzi](#)  
**To:** [Fish, Marine \(FWE\)](#); [laurenperuzzi@abingtononps.org](mailto:laurenperuzzi@abingtononps.org)  
**Subject:** Public Comment Sought on Proposed Action to Temporarily Lift the State-Waters Groundfish Closure for April 2021  
**Date:** Friday, February 19, 2021 10:01:28 AM

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Hello,

This COVID19 year has allowed a few parts of our Earth to repair itself in the smallest ways. Humans are a pestilence to our Earth and do not think twice about destroying it without afterthought. This is an opportunity to create a great regeneration of life in our ocean, yet we want to hijack that opportunity and destroy it for our own good.

Please let our ocean have one more month to heal itself, otherwise there is no turning back.

Do NOT open fisheries early for our own destructive greed!

Concerned,

Lauren Peruzzi  
Centerville, MA

Sent from my iPhone

**From:** [John Martinsen](#)  
**To:** [Fish, Marine \(FWE\)](#)  
**Subject:** Public Comment Sought on Proposed Action to Temporarily Lift the State-Waters Groundfish Closure for April 2021  
**Date:** Wednesday, March 3, 2021 12:47:54 PM

---

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**To Whom It May Concern,**

**The groundfish closure should encompass all state waters and should be for March and April.**

**Please consider this my public comment.**

**Thank you,  
John Martinsen**

**From:** [Noah](#)  
**To:** [Fish, Marine \(FWE\)](#)  
**Subject:** Public Comment Sought on Proposed Action to Temporarily Lift the State-Waters Groundfish Closure for April 2021  
**Date:** Monday, February 22, 2021 8:27:37 AM

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Hello,

Providing my comments on the above proposed action to lift the state-waters ground fish closure. Last year we finally noticed a rebound in flounder in Boston harbor. Temporarily lifting the closure will have a negative impact on the one of the few remaining strong fishing options in the greater Boston area. Until last year we saw fewer flounder, cod, and other ground fish in the area. Now that they are finally showing some sign of a rebound is not the time to give the commercial fleet another chance to wipe them out! Please don't make the change we need to preserve this fish for generations to come.

Thanks,

Noah Rosenbaum  
2 Eastland Rd  
Boston, MA 02130

**From:** [John Nichols](#)  
**To:** [Fish, Marine \(FWE\)](#)  
**Subject:** Public Comment Sought on Proposed Action to Temporarily Lift the State-Waters Groundfish Closure for April 2021  
**Date:** Friday, February 19, 2021 9:14:30 AM

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Please do not open these grounds to commercial fishing. As a recreational fisherman I've seen what happens to stocks when commercial fishing gets into an area. I hate to see the effect this opening will have, besides diminished stock , it will affect what we as recreational fisherman will be allowed to catch. I'm begging you, do not open these grounds to commercials!!!  
Thank you, Jack Nichols

**From:** [Mike Delzingo](#)  
**To:** [Fish, Marine \(FWE\)](#)  
**Subject:** Public Comment Sought on Proposed Action to Temporarily Lift the State-Waters Groundfish Closure for April 2021  
**Date:** Wednesday, March 3, 2021 7:08:34 AM

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I disagree with the states proposal to lift this closure.

This area was very successful early last season for the local recreational haddock anglers and charter boats, Opening this small area up to commercial boats in April will allow them to harvest lots fish in waters small boats are restricted to do to weather /safety/ time constraints.

With a very small area of those waters holding haddock (over 150' deep) there isn't much real estate to go around.

We rely on these fish to book trips and such a small area does not need added fishing pressure.

Please do not lift the April closure

Captain Mike Delzingo  
Fishbucket Sportfishing  
Boston

**From:** [Mary-Beth Petersen](#)  
**To:** [timmerso@aol.com](#); [Fish, Marine \(FWE\)](#)  
**Cc:** [jason@littlesister1.net](#); [simmerso@sbcglobal.net](#)  
**Subject:** Re: Dragger Decimation  
**Date:** Friday, February 19, 2021 7:08:31 PM

---

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Great letter!

---

**From:** [timmerso@aol.com](#) <[timmerso@aol.com](#)>  
**Sent:** Friday, February 19, 2021 6:01 PM  
**To:** [marine.fish@mass.gov](#) <[marine.fish@mass.gov](#)>  
**Cc:** [jason@littlesister1.net](#) <[jason@littlesister1.net](#)>; [simmerso@sbcglobal.net](#)  
<[simmerso@sbcglobal.net](#)>; Mary-Beth Petersen <[MPetersen@ccfc-ct.org](#)>  
**Subject:** Dragger Decimation

Dear Mr. McKiernan:

As a concerned out-of-State angler and employee of Long Island, NY's Town of Oyster Bay Environmental Resources Dept. that has greatly enjoyed flounder/bottom fishing in Boston Harbor over the past decades, I deplore the cowardly non-action of the DMF in not enforcing CLOSURE TO DRAGGERS IN ALL STATE WATERS for the months of March **and April!** The flounder population has been decimated and only in recent years, shown a minimal resurgence. To oppose lifting of the closure would give flounder and other 'Spring species', a chance to rebuild their populations. Currently, far too many immature fish are being taken, making propagation of the species difficult, if not impossible. Please take what you undoubtedly already know to be the proper course of action in backing CLOSURE during March **and April!** Thank you in advance for your anticipated attention to this important matter.

Very truly yours,

Thomas Immerso  
183 Massapequa Ave.  
Massapequa, NY 11758

**From:** [Jonathan Shuster](#)  
**To:** [Fish, Marine \(FWE\)](#)  
**Subject:** Re: Keep Commercial Groundfishing Closed in April  
**Date:** Friday, February 19, 2021 4:07:03 PM

---

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Dear Mr. McKiernan:

I implore the DMF to keep the the inshore commercial groundfish season closed through April.

Subjecting our fragile fish stocks to commercial exploitation during this critical window in the season would have long term deleterious effects to fish populations and the resource shared by MA residents and commercial fishermen alike.

Yours truly,  
Jonathan Shuster  
Bolton, MA

**From:** [Fish, Marine \(FWE\)](#)  
**To:** [Silva, Jared \(FWE\)](#)  
**Subject:** RE: Proposal encouraging the harvest as much groundfish fish as possible  
**Date:** Friday, February 19, 2021 10:29:10 AM

---

**From:** Richard Deschamps Jr <[skrabking@aol.com](mailto:skrabking@aol.com)>  
**Sent:** Friday, February 19, 2021 9:31 AM  
**To:** Fish, Marine (FWE) <[marine.fish@mass.gov](mailto:marine.fish@mass.gov)>  
**Subject:** Re: Proposal encouraging the harvest as much groundfish fish as possible

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Dear MA Division of Marine Commercial Fisheries,

Here you go again putting commercial interests ahead of the environment and sustainable natural resources. At every turn you propose extending fishing seasons to squeeze every drop of blood out of the stone per se to cater to commercial interests. As taxpayers we are entitled to transparency in our government. So, I am asking for a release of all correspondence from our state government regarding this matter. Included in this should be any correspondence relating to this issue. Additionally, I would like information provided to the general public the projected impacts on long-term stocks. Finally, I oppose your proposal. Thanks!

Rich

**From:** [Luciano Mascari](#)  
**To:** [marine.fish@public.govdelivery.com](mailto:marine.fish@public.govdelivery.com); [Fish, Marine \(FWE\)](#)  
**Subject:** RE: Public Comment Sought on Proposed Action to Temporarily Lift the State-Waters Groundfish Closure for April 2021  
**Date:** Friday, February 19, 2021 9:40:03 AM

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I have a Groundfish permit and I am against lifting the Proposed Action to Temporarily Lift the State-Waters Groundfish Closure for April 2021. I vote for continued enforcement to try to replenish the abused fish stock biomass over short term interests of meeting given quotas. Please think long term and give these fish stocks a break! I'm for waiting a little in favor of larger fish size and more predictable near shore sustainable catches for all.

Kind regards,  
Luciano Mascari

**From:** [Jonathan Hyett](#)  
**To:** [Fish, Marine \(FWE\)](#)  
**Subject:** Re: Public Comment Sought on Proposed Action to Temporarily Lift the State-Waters Groundfish Closure for April 2021  
**Date:** Friday, February 19, 2021 10:55:40 AM

---

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I am strongly opposed to this proposal for so many reasons.  
Please allow this email to serve as my public comment.

On Feb 19, 2021, at 8:56 AM, MA Division of Marine Fisheries <[marine.fish@public.govdelivery.com](mailto:marine.fish@public.govdelivery.com)> wrote:

Having trouble viewing this email? [View it as a Web page](#).

**February 19, 2021**

**Public Comment Sought on Proposed Action to  
Temporarily Lift the State-Waters Groundfish Closure  
for April 2021**

DMF is seeking public comment on lifting the conditional April groundfish closure for 2021. This annual closure was developed in 2019 to address allocative concerns that landings from the state waters-only groundfish fishery may impact access to federal groundfish quotas. By regulation, those state waters between 42°00'N (Plymouth) and 42°30'N (Marblehead) west of 70°30' W are closed to commercial groundfish fishing in April. However, the closure may be lifted on an annual basis if DMF projects the action will not result in an exceedance of the annual federally allocated state-waters subcomponent for regulated groundfish stocks or will not compromise federal conservation objectives.

DMF has analyzed landings data for the current fishing year (May 1 – April 30) and intends to lift the conditional April groundfish closure this year. Landings for the current fishing year are well below the federally allocated sub-components, likely driven by COVID related impacts on fishery effort last spring and summer. Accordingly, it is unlikely that an April opening will result in an exceedance of the state waters sub-components or of overall annual catch limits. Further information on this analysis may be found in DMF's February 12, 2021 [memorandum](#) to the Marine Fisheries Advisory Commission.

DMF will accept written public comment on this proposal through 5PM on Friday, March 5, 2021. Written comment may be submitted to by e-mail to [marine.fish@mass.gov](mailto:marine.fish@mass.gov) or by post sent to 251 Causeway Street, Suite 400, Boston, MA 02114. The Marine Fisheries Advisory Commission will consider adopting this action at their March 18, 2021 business meeting.

For more information regarding the management of marine fisheries in the Commonwealth please visit our website: [www.mass.gov/marinefisheries](http://www.mass.gov/marinefisheries)

---

groundfish closure



#### **Massachusetts Division of Marine Fisheries**

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**From:** [roger3353](#)  
**To:** [Fish, Marine \(FWE\)](#); [Jason](#)  
**Subject:** Re: Winter flounder  
**Date:** Saturday, February 20, 2021 12:15:35 PM

---

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On Friday, February 19, 2021, 4:28 PM, roger3353 <[roger3353@aol.com](mailto:roger3353@aol.com)> wrote:

My name is captain Roger Brousseau i own the charter business call Midnight Charter I fish for flounder starting 1974 and chartering for 37 years for flounder except some years when the flounder where so polluted.

I was very happy when the flounder population growth to a fantastic number. Now for the past few years the population demise marks of nets on the fish Are very visible. Are we going back to 0 fish yes we are Last spring around May 20 most of my customers can't even take there limits please for the new generation of fisherman reduce the commercial fishing so those fish have the time to reproduce

Thank you

PS hope you understand my English is very bad arrive in the US in 1973 and must work never have time to go to school but very proud to run 2 business very successfully

[Sent from the all new Aol app for iOS](#)

**From:** [Brian Butler](#)  
**To:** [Fish, Marine \(FWE\)](#)  
**Subject:** State-Waters Groundfish Closure - Opposed to Closure Lifting  
**Date:** Friday, February 19, 2021 3:14:29 PM  
**Attachments:** [image003.png](#)

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Mr. McKiernan:

As a citizen who regularly fishes for inshore winter flounder in Massachusetts, and a scientist with experience in population biology it is clear to me that the once significantly recovered Massachusetts inshore winter flounder fishery can not withstand the current or proposed expansion of commercial dragging practices in inshore waters. State waters should be closed during March and April to commercial groundfishing.

Sincerely,

Brian O. Butler, M.S.



**Brian Butler** | President & Principal Scientist  
Oxbow Associates, Inc.  
P.O Box 971 | Acton, MA 01720  
978.929.9058 ext. 104  
[oxbowassociates.com](http://oxbowassociates.com) |

**From:** [Edward Hale](#)  
**To:** [Fish, Marine \(FWE\)](#)  
**Subject:** Temporarily Lift the State-Waters Groundfish Closure for April 2021  
**Date:** Friday, February 19, 2021 10:14:29 AM

---

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To DMF,  
The lifting does not impact recreational fisherman as there are few in April. It does allow commercial fisherman to harvest closer to shore. They will be happy!  
I support the lift as the DMF projected quota suggests.  
Thanks You!  
Edward Hale  
Plaistow, NH

**From:** [kyle daley](#)  
**To:** [Fish, Marine \(FWE\)](#)  
**Subject:** Temporary lift of ground fishery  
**Date:** Wednesday, March 3, 2021 12:32:38 PM

---

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I don't see how this would help the long term or short term goals of a sustainable ground fishery. Therefore I'm opposed to the opening.

Sent from my iPad

**From:** [Leah B](#)  
**To:** [Fish, Marine \(FWE\)](#)  
**Subject:** Temporary lift of state-waters ground fish  
**Date:** Tuesday, February 23, 2021 6:46:22 PM

---

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I agree with the proposed action of lifting the temporary state-waters ground fish closure in April.

If the proposed lift has no effect on conservation objectives or exceed the catch limits set forth federally I see no issue with a temporary lift to the annual April closure/ban.

Thank you for requesting and allowing public comment.

Best,

Leah Barton  
Weymouth, MA  
7816644632

**From:** [Jeffrey Cabral](#)  
**To:** [Fish, Marine \(FWE\)](#)  
**Subject:** Temporary lift on state waters ground fish area  
**Date:** Sunday, February 28, 2021 11:35:46 AM

---

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To Whom it May Concern;

I am a recreational fisherman and I oppose the fact of opening this area to the commercial fisherman, unless, they are restricted to fishing strictly with rod and reel with a size limit and a number or pound limit. Due to the closure of commercial fishing due to covid, which I believe holds true to the fact that a lot more bigger and more plentiful ground fish came closer to shore allowing the recreational fisherman to enjoy catching his size and limit for the day. Also I may add that there were a lot less shorts that got thrown back with minimal if no harm to the fish. In previous years since the rules and regulations were put in effect it has always been difficult to catch sizes and limits after the commercial fishing has cleaned them out. By opening this area, this tells me that the ground fish population is growing and that the and should be left to the recreational fisherman and to increase the 1 fish to the 5 fish limit per angler for cod fish for it is not worth the time and money spent to catch one fish. This area is a lot safer and more accessible being closer to land than being offshore and more dangerous where winds can pick up very quickly. I am 65 years old and have been fishing since I was a kid with my father and have always known most ground fish to come close to shore to spawn and then move out to deeper waters and also congregate and spreaded out over areas where there is food. So ,please, please have sum consideration for the recreational fisherman and keep the commercial guys off shore.

Thanks For Your Consideration In This Matter;  
Jeffrey Cabral

**From:** [Colin Cunningham Jr.](#)  
**To:** [Fish, Marine \(FWE\)](#)  
**Subject:** Temporary Lifting the State-Waters Groundfish Closure  
**Date:** Saturday, February 20, 2021 9:34:12 AM

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To Whom It May Concern:

I do not support the temporary lifting of the state-waters groundfish closure. It is understandable that there is a desire to help fishermen impacted by the Covid pandemic, however some of the groundfish stocks, primarily Gulf of Maine cod remain at all-time lows. Since demand from the restaurant trade has not recovered, isn't this a good time to leave more fish in the water to rebuild the stocks a little faster.

We need to take a longer term view for the health of the fish stocks.

Thank you.

C. M. "Rip" Cunningham

**From:** [roger3353](#)  
**To:** [Fish, Marine \(FWE\)](#)  
**Subject:** Winter flounder  
**Date:** Friday, February 19, 2021 4:29:01 PM

---

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My name is captain Roger Brousseau i own the charter business call Midnight Charter I fish for flounder starting 1974 and chartering for 37 years for flounder except some years when the flounder where so polluted.

I was very happy when the flounder population growth to a fantastic number. Now for the past few years the population demise marks of nets on the fish Are very visible. Are we going back to 0 fish yes we are Last spring around May 20 most of my customers can't even take there limits please for the new generation of fisherman reduce the commercial fishing so those fish have the time to reproduce

Thank you

PS hope you understand my English is very bad arrive in the US in 1973 and must work never have time to go to school but very proud to run 2 business very successfully

[Sent from the all new AOL app for iOS](#)

March 5, 2021

Daniel McKiernan, Director  
Massachusetts Division of Marine Fisheries  
251 Causeway Street, Suite 400  
Boston, MA 02144

*Submitted via [marine.fish@mass.gov](mailto:marine.fish@mass.gov)*

**RE: Proposed Action to Temporarily Lift the State-Waters Groundfish Closure in Massachusetts Bay for April 2021**

Dear Mr. McKiernan:

Conservation Law Foundation (“CLF”) appreciates the opportunity to provide comments on Massachusetts Division of Marine Fisheries’ (“MA DMF”) proposed action to temporarily suspend the groundfish closure in Massachusetts Bay for April 2021. As we expressed the previous two years, CLF is greatly concerned by this action, particularly as it relates to overfished Gulf of Maine (“GOM”) cod, and we oppose suspending the closure for April 2021.

The status of GOM cod has not changed. It is overfished with overfishing occurring,<sup>1</sup> and the stock cannot rebuild by its scheduled deadline (2024) even under a no fishing scenario.<sup>2</sup> Given the dire state of GOM cod and its inability to rebuild by 2024, there should be no directed fishing on the stock, and both state and federal managers should use a precautionary approach.

The state-water subcomponent may be underutilized, but MA DMF is fully aware of the data inaccuracies underlying the overall GOM cod catch limits due to the discarding and misreporting issues in the groundfish fishery.<sup>3</sup> Additionally, inshore Massachusetts waters are an important spring spawning area for GOM cod, particularly as other spawning grounds along the GOM coast have disappeared,<sup>4</sup> therefore, protecting this area is central to halting the further decline of the stock. The April commercial groundfish closure also overlaps with a federal spawning closure set for April 15-30; and in CLF’s petition for rulemaking to the National Marine Fisheries Service, we advised expanding the federal GOM Cod Protection Closures,

<sup>1</sup> NEFSC. *Operational Assessment of 14 Northeast Groundfish Stocks, Updated Through 2018*. Pre-publication copy dated October 3, 2019, at 26; C. Perretti (NEFSC) pers. comm.

<sup>2</sup> Memorandum from Groundfish PDT to SSC regarding “Candidate Groundfish OFLs and ABCs for fishing years 2020 to 2022” dated Oct. 10, 2019 & revised Oct. 15, 2019, at 7.

<sup>3</sup> MA DMF. 2018. “DMF Backed into Difficult Decision on GOM Cod.” *DMF News* 41, at 6-7. (“. . . I have learned from NMFS of incidents of elevated levels of cod discards (2,000-3,000 pounds of cod per trip.”).

<sup>4</sup> NEFMC. *Framework Adjustment 53 to the NE Multispecies FMP, Appendix II: Analytic Techniques: GOM Cod and Other Groundfish Analysis*, at AII-2.



encompassing Massachusetts state waters, in both space and time to include the month of April. This recommendation was based on prior analysis by the New England Fishery Management Council's Groundfish Plan Development Team "because research has shown that in order for spawning closures to be effective that they need to be relatively large to insure that fishing activity does not disrupt courtship and spawning behavior which will ultimately determine spawning success."<sup>5</sup>

Under these collective circumstances, MA DMF should not suspend the April closure and thereby sanction increased cod fishing in Massachusetts state waters. Thank you for considering these comments.

Sincerely,

*Allison Lorenc*

Allison Lorenc  
Senior Policy Analyst  
Conservation Law Foundation

---

<sup>5</sup> Memorandum from Groundfish Plan Development Team Development to Groundfish Committee regarding "Development of Framework Adjustment 53 (FW 53) to the Multispecies (Groundfish) Fishery Management Plan" dated Nov. 5, 2014, at 13.

**From:** [Levi Opsatnic](#)  
**To:** [Fish, Marine \(FWE\)](#)  
**Subject:** public comment on lifting groundfish closure for 2021  
**Date:** Thursday, March 4, 2021 7:49:06 PM

---

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Hello,

**My name is Levi Opsatnic and I would like to voice my concerns in regards to Massachusetts potentially lifting the conditional April groundfish closure for 2021. I am not even remotely on board with this idea and think that considering it is foolish at best. Please do not open ground fishing for the month of April, it is imperative that we do not allow this, especially considering it's the time when winter flounder spawn and that species needs no additional stress and pressure—and this is only one example of a reason against this, of which there are many more.**

**I appreciate you taking the time to read my words and really hope that the right thing is done.**

**Thank you**

**From:** [Michael Mikhaylov](#)  
**To:** [Fish, Marine \(FWE\)](#)  
**Subject:** RE: Proposed Action to Temporarily Lift the State-Waters Groundfish Closure for April 2021  
**Date:** Friday, March 5, 2021 11:00:18 AM

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The Marine Fisheries Advisory Commission  
251 Causeway Street, Suite 400, Boston, MA 02114

I'm strongly **opposed** to temporarily lifting the State-Waters Groundfish Closure for April 2021.

Cod should not be targeted at all, given the state of Cod fishery, bycatch is not acceptable.

Winter Flounder stocks declined significantly and the stock is overfished. Both Cod and Flounder need protection, especially during the spring spawn season.

Given the current state of the fishery, it would be irresponsible to open the groundfish spawning grounds for the spring fishery.

No, I do not support the proposed Action to Temporarily Lift the State-Waters Groundfish Closure for April 2021.

Respectfully,  
Michael Mikhaylov  
46 Little Farms Rd, Framingham, Ma 01701

**From:** [Fondo, Garth M](#)  
**To:** [Fish, Marine \(FWE\)](#)  
**Subject:** DMF is seeking public comment on lifting the conditional April groundfish closure for 2021  
**Date:** Friday, March 5, 2021 6:46:27 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)

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As recreational fisherman I am against the lifting of the April groundfish closure for 2021. In the past I went to Boston to fish for flounder but about five years ago I stopped as the fishing has really dropped off due to the increased dragger pressure when draggers switch from Cod to other fish around 2013. We need to do whatever we can protect those flounder, especially in the spring when they are trying to spawn.

Thank you.

Garth



**Garth M. Fondo, CFP®, CRPC®, MBA, APMA®**  
CERTIFIED FINANCIAL PLANNER™ practitioner  
Private Wealth Advisor

**The Fondo Financial Group**  
A private wealth advisory practice of Ameriprise Financial Services, LLC  
Ameriprise Financial Services, Inc

.....  
Ameriprise Financial Services, LLC  
1 Lumber Street, Suite 204  
Hopkinton, MA 01748

O: 508.497.8931 | F: 508.434.6136

Support staff contact information is available on [my website](#)

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# The Commonwealth of Massachusetts

## Division of Marine Fisheries

251 Causeway Street, Suite 400, Boston, MA 02114

p: (617) 626-1520 | f: (617) 626-1509

[www.mass.gov/marinefisheries](http://www.mass.gov/marinefisheries)



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Lt. Governor

KATHLEEN A. THEOHARIDES  
Secretary

RONALD S. AMIDON  
Commissioner

DANIEL J. MCKIERNAN  
Director

### MEMORANDUM

TO: Marine Fisheries Advisory Commission (MFAC)

FROM: Daniel J. McKiernan, Director

DATE: March 12, 2021

SUBJECT: Overview of Final Rules Affecting Recreational Fishing Limits and Gear

On February 4, 2021, DMF announced a public comment period and hearing on proposed regulations affecting recreational fishing limits and gear ([Notice](#)). A public hearing was held on March 2, 2021 and the public comment period concluded on March 5, 2021. Through this public process, DMF sought comment on proposals to: (1) implement the mandate for the use of circle hooks when fishing for striped bass with natural baits, as required by the Interstate Fishery Management Plan for Striped Bass; (2) establish recreational Gulf of Maine cod limits consistent with federal rules; (3) establish recreational Gulf of Maine haddock limits consistent with federal rules; and (4) prohibit the use of trap gear to take blue crabs.

Enclosed you will find memoranda making final recommendations on the recreational Gulf of Maine cod and haddock limits and the use of traps to take blue crabs, as well as a compilation of all written public comment received. The recommendation regarding circle hooks is forthcoming and will be finalized and distributed following next Tuesday's meeting of the ASMFC Striped Bass Board ([Notice](#)).

#### Enclosed

Recommendation on Recreational Gulf of Maine Haddock Limits

Recommendation on Recreational Gulf of Maine Cod Limits

Recommendation to Prohibit Blue Crab Trapping

Compilation of Written Public Comment



# The Commonwealth of Massachusetts

## Division of Marine Fisheries

251 Causeway Street, Suite 400, Boston, MA 02114

p: (617) 626-1520 | f: (617) 626-1509

[www.mass.gov/marinefisheries](http://www.mass.gov/marinefisheries)



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Governor

KARYN E. POLITO  
Lt. Governor

KATHLEEN A. THEOHARIDES  
Secretary

RONALD S. AMIDON  
Commissioner

DANIEL J. MCKIERNAN  
Director

## MEMORANDUM

TO: Marine Fisheries Advisory Commission (MFAC)

FROM: Daniel J. McKiernan, Director

DATE: March 12, 2021

SUBJECT: Recommendation on Recreational Gulf of Maine Haddock Limits

### Recommendation

For Gulf of Maine (GOM) haddock, I recommend the MFAC vote to adopt an open recreational fishing season for GOM haddock that spans from April 1 through the end of February. This extends the current season by two-weeks in April by adding April 1 – April 14. During this open season, the bag limit and minimum size will remain status quo at 15-fish and 17" (Table 1). If approved, the limits will go into effect for April 1, 2021 and are expected to remain in effect through at least April 30, 2022 (pending federal rule making for FY2021).

State Rules	Season	Bag Limit	Size Limit
Current	April 15 – end of February	15-fish	17"
Recommended	April 1 – end of February	15-fish	17"

### Rationale

This recommended action complements current (FY2020) and anticipated (FY2021) federal fishing limits for GOM haddock. If approved, this will allow recreational fishermen fishing in state-waters to have the same limits as those fishing in adjacent federal waters and for recreational fishermen to possess and land haddock in Massachusetts that were lawfully taken in the federal zone during the first two weeks of April.

### Public Comment

DMF held a public comment period from February 4 – March 5 and a public hearing on March 2. Very little comment was received regarding this proposal, but those comments received generally supported enacting the recommended limits.



# The Commonwealth of Massachusetts

## Division of Marine Fisheries

251 Causeway Street, Suite 400, Boston, MA 02114

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Commissioner

DANIEL J. MCKIERNAN  
Director

## MEMORANDUM

TO: Marine Fisheries Advisory Commission (MFAC)

FROM: Daniel J. McKiernan, Director

DATE: March 12, 2021

SUBJECT: Recommendation on Recreational Gulf of Maine Cod Limits

### Recommendation

For Gulf of Maine (GOM) cod, I am making two recommendations for approval of the MFAC:

1. An open recreational fishing season for GOM cod that occurs from April 1 – April 14 and September 15 – September 30. During this open season, the bag limit and minimum size will remain status quo at 1-fish and 21" (Table 1). This adds a two-week April open fishing season consistent with current federal limits for April 2021 (FY2020<sup>1</sup>) and pending rules for April 2022 (FY2021).

**Table 1. Existing and Recommended GOM Cod Limits**

Rules	Season	Bag Limit	Size Limit
Current	Sept 15 – Sept 30	1-fish	21"
Recommended	Apr 1 – Apr 14 Sept 15 – Sept 30	1-fish	21"

2. An allowance for DMF to implement a September 8 – October 7 for-hire bonus season if approved by NOAA Fisheries for FY2021 (May 1, 2021 – April 30, 2022). If this bonus-season is not approved by NOAA Fisheries, then the default September 15 – September 30 season would apply to both private angle and for-hire modes.

### Rationale

This recommended action complements current and anticipated federal fishing limits for GOM cod to retain status quo measures for FY2021, including the New England Fishery Management Council's (NEFMC) recommendation to retain the fall for-hire bonus season. If approved by the MFAC, this will allow recreational fishermen fishing in state-waters to have the same limits as those fishing in adjacent federal waters and for recreational fishermen to possess and land cod in Massachusetts that were lawfully taken in the federal zone.

<sup>1</sup> Fishing Year for the federal multispecies groundfish plan means the period May through April.

The for-hire bonus season was originally recommended by the NEFMC and approved by NOAA Fisheries for FY2020 to make up for the loss of access to the fishery in the spring. COVID-related restrictions imposed by states in March and April effectively closed the for-hire fishery. Given the late timing of federal rulemaking in 2020, DMF implemented the extended fall for-hire recreational fishing season for GOM cod by conditioning all 2020 For-Hire Permits. This recommendation would allow DMF to adopt the bonus season by regulation for FY2021.

There is some uncertainty that NOAA will approve this bonus season, as similar COVID related closures are not expected this spring. If NOAA approves the bonus season, DMF seeks to similarly adopt it; if NOAA does not, then for-hire rules would default to those described in Table 1. Due to the mismatched schedules of federal and state rulemaking, DMF is seeking your presumptive approval on this now.

### **Public Comment**

DMF held a public comment period from February 4 – March 5 and a public hearing on March 2. There was general support for these recommendations in both the written public comment and the verbal testimony at public hearing.

It is noteworthy that some Boston-area for-hire operators argued that the April open season should occur in May because it would allow for them to better target cod. However, this is precisely the reason that NOAA Fisheries allows for the open season in April and not May. Under recent low quotas, a federal bioeconomic model continues to project that targeted GOM cod fishing in May fails to prevent overfishing. Opening even the last two weeks of April has been rejected by the NEFMC and NOAA Fisheries due to anticipated catch rates. Additionally, there was some discussion of mode specific management and the creation of for-hire specific regulations. The requested May open season and mode specific management go beyond the scope of DMF's proposal to implement limits to match federal regulations and are more directed at the overarching federal management of this fishery. At this time, I am not proposing nor recommending any action to implement measures counter to federal rules that may effectively undermine federal conservation objectives.



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DANIEL J. MCKIERNAN  
Director

### MEMORANDUM

TO: Marine Fisheries Advisory Commission (MFAC)

FROM: Daniel J. McKiernan, Director *Daniel J. McKiernan*

DATE: March 17, 2021

SUBJECT: Recommendation to amend the recreational striped bass circle hook requirement

#### Recommendation

I recommend the MFAC vote to approve the following amendments to the state's recreational striped bass circle hook requirement consistent with recent decisions of the Atlantic States Marine Fisheries Commission (ASMFC):

1. Define bait as any marine or aquatic organism, live or dead, whole or parts thereof;
2. Rescind the exemption for anglers aboard for-hire vessels;
3. Broaden the exemption for artificial lures to include *any* artificial lure with bait attached; and
4. Adopt a requirement that striped bass caught on any unapproved method of take be returned to the water immediately without unnecessary injury.

#### Background

The ASMFC passed Addendum VI to the Striped Bass Fishery Management Plan in the fall of 2019. The addendum requires the use of circle hooks when recreationally fishing with bait for striped bass to reduce mortality of released fish. The requirement had an implementation date of early 2021. Proactively, DMF amended our regulations to implement a circle hook requirement a year earlier than required, in the spring of 2020. Our regulation included exemptions for anglers aboard for-hire vessels and for the use of artificial lures designed to be trolled, cast and retrieved, or vertically jigged. Upon review of our regulations in the fall of 2020, the ASMFC Striped Bass Management Board rejected our exemptions (and all other states'). Last month, a coastwide, two-year exemption for tube rigs was approved based on Massachusetts and Maine conducting a study of the gear. However, at the same time, a working group was tasked with further interpreting several specifics of the circle hook requirement for the purpose of uniform state implementation. This week, following advice from the working group, the Board established the following: a definition of bait; a blanket exemption for artificial lures; and a requirement that any striped bass caught by non-approved methods be released.

## Rationale

In order to comply with the addendum as perfected, DMF is required to amend our regulations to include the new definition of bait, remove the exemption for passengers on for-hire trips, and add language requiring the release of striped bass caught by an unapproved method. In addition, for consistency with other states and in support of law enforcement's perspective on the matter, we should broaden our exemption for artificial lures. The language changes are shown below. This differs from what DMF proposed for public comment in several regards due to the timing of the Board's protracted deliberations on the proper interpretation of the addendum's requirements.

The new definition for bait is a minor change from what we had in place already, having a similar intent as our use of "natural bait" along with our earlier proposal to exclude pork rind from the definition. The removal of the for-hire exemption, while opposed by many charter captains, was supported by a vast majority of the Board members and is thus now a compliance requirement. The Board felt all sectors of the recreational fishery should have the same rules. DMF is pleased with the outcome on artificial lures and appreciates the public's engagement on this issue. While the working group considered adopting our initial artificial lure exemption, the language reflecting the need for the gear to be actively fished is regarded as an additional complication for law enforcement with likely little conservation benefit. Note that the artificial lure exemption allows for tube rigs, eel skin plugs, and bucktail jigs (among others) with bait attached, but not rigged eels. The requirement to release striped bass caught in an unapproved manner (primarily on baited J-hooks) is overwhelmingly supported by law enforcement. They state that a circle hook requirement, which itself poses enforcement challenges, would become practically unenforceable with an allowance for the retention of incidental catch of striped bass. For example, in many areas of our state waters, anglers could continue to retain striped bass caught with baited J-hooks by simply stating they were caught incidentally while fishing for bluefish. We agree with law enforcement and believe it strengthens the circle hook regulation.

## Public Comment

DMF held a public comment period from February 4–March 5 and a public hearing on March 2. Both the verbal testimony at public hearing and the written comment shared widespread (although not absolute) support for sensible measures to help conserve the striped bass resource, including a reasonably interpreted and applied circle hook requirement; and, while preferring DMF's initial artificial lure exemption, expressed an appreciation for our efforts to secure an exemption for tube rigs and exclude pork rind from the definition of bait given the low release mortality experienced with these gear configurations. The majority of comments from hire operators, as well as several individual anglers, opposed the elimination of the for-hire exemption. They cited the experience of captain and crew to minimize release mortality, supported by business incentives to do so, as well as the economic consequences of reduced catch rates, and desire for the for-hire fleet to be treated separately from private anglers more broadly. However, several other comments supported the uniform treatment of all user groups. Several comments asked DMF to pursue additional exemptions, such as for rigged eels, eel skin plugs, and live-lining. Comments regarding the treatment of incidentally caught striped bass on non-conforming gear were scarce. One comment suggested that the condition of incidentally caught bass be part of the determination of whether release is required.

## **Regulatory Language for 322 CMR 6.07**

(2) **Definitions:** For purposes of 322 CMR 6.07, the following words shall have the following meanings:

**Bait means any marine or aquatic organism, live or dead, whole or parts thereof.**

**Circle Hook is defined as means** a fishing hook designed and manufactured so that the barb of the hook is not offset from the plane of the shank and bend and is turned perpendicularly back towards the shank to form a circular or oval shape.

(5) **Recreational Management Measures.** For purposes of conservation and management of the resource, the following measures shall apply to recreational fishermen who harvest, catch, take or possess or attempt to harvest, catch, take or possess any striped bass:

(f) **Mandatory Use of Circle Hooks.** Recreational fishermen ~~fishing from shore or private vessels~~ shall use circle hooks when fishing for striped bass with ~~whole or cut natural baits~~. This shall not apply to any artificial lure ~~designed to be trolled, cast and retrieved, or vertically jigged with natural bait attached. Striped bass caught on any unapproved method of take must be returned to the water immediately without unnecessary injury.~~



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Director

## MEMORANDUM

TO: Marine Fisheries Advisory Commission (MFAC)

FROM: Daniel J. McKiernan, Director

DATE: March 12, 2021

SUBJECT: Recommendation to Prohibit Blue Crab Trapping

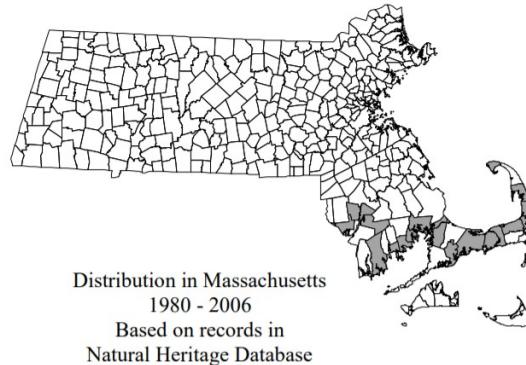
### Recommendation

I recommend the MFAC vote approve a prohibition on the use of traps to harvest blue crabs.

### Background

The Northern diamondback terrapin (*Malaclemys terrapin*)—commonly referred to as the diamondback terrapin—is a native turtle species. It inhabits brackish coastal tidal flats along the Atlantic coast, ranging from as far south as Florida to as far north as Massachusetts. In Massachusetts, the species is typically found in those estuarine habitats along our southern waters around Cape Cod and Buzzards Bay (Figure 1).

**Figure 1. Distribution of Diamondback Terrapin in MA**



The species was nearly driven to extinction at the turn of the 20<sup>th</sup> century due to harvest for gourmet food markets. While populations have increased, the species is still considered threatened locally under the Massachusetts Endangered Species Act (MESA). Habitat loss and degradation, water quality, nest disturbance, and climate change pose significant continued threats to the species locally.

As an inhabitant of the state's southern estuarine landscape, the diamondback terrapin also shares its habitat with the blue crab (*Callinectes sapidus*). Similar to diamondback terrapins, Massachusetts is the northernmost extent of the blue crab's range, and those estuaries around Cape Cod and Buzzards Bay provide suitable habitat for this species. As a result, catching blue crabs is a popular summertime activity in this area.

The fishery is regulated by DMF pursuant to G.L. c. 130, §17A, requiring rules governing harvest to be approved by the MFAC. About 15 years ago, the state established a 25 blue crab harvest and possession limit. This limit has effectively constrained the fishery so that it is “recreational only”. The commercialization of this fishery has also been constrained by longstanding state laws at G.L. c. 130, §§37 and 38 that require a commercial coastal lobster permit for the commercial harvest and sell edible crabs (including blue crabs). These permits are limited entry and available only through transfer and given the associated cost are not purchased to harvest blue crabs. On the subject of permitting, the recreational fishery does not require a permit unless blue crabs are trapped.

Given the intertidal accessibility of this species, the low catch limit, and the permitting requirement for traps it is most common for blue crabs to be targeted using active fishing gear, such as trot lines, dip nets, and collapsible traps. However, some fishermen fish cuboid or cylindrical traps for blue crabs, which would require a recreational lobster and crab trap permit (or commercial coastal lobster permit).

### **Rationale**

During the summer of 2020, the Massachusetts Environmental Police (MEP) encountered blue crab traps in the estuaries of upper Buzzard Bay. Routine inspection of this trap gear found that the traps incidentally caught and drowned numerous diamondback terrapins. Given the overlap of these species’ habitat, it is likely that this incidental catch is not uncommon when fishing traps for blue crabs.

In response, to this emerging protected species management issue, DMF proposed prohibiting the use of traps to take blue crabs. This prohibition would eliminate this potential source of turtle mortality and would prevent DMF from licensing an activity that may result in the taking of a protected species. While this would eliminate trapping for blue crabs, there are other prevalent and effective active fishing gears and techniques that fishermen may continue to use to catch blue crabs that do not pose a risk to diamondback terrapins. Moreover, DMF does not anticipate that this prohibition would impact other regulated trap gears (e.g., fish pots, lobster traps) because they are not set in warm, inshore estuarine waters.

### **Public Comment**

DMF held a public comment period from February 4 – March 5 and a public hearing on March 2. The verbal testimony at public hearing strongly supported the proposed prohibition. However, the sentiment in written comment differs. Many of those who provided written comments oppose the prohibition. The comments in opposition range from viewing this prohibition as general government overreach to requesting DMF instead require the use of turtle excluder devices (TEDs) in blue crab trap gear or provide certain spatial exemptions in areas where diamondback terrapins are not commonly found.

As for the general objections to the proposal, I do not agree with the positions expressed. DMF licenses the use of crab traps and there is documented evidence that this licensed gear traps and drowns a protected species. Accordingly, it is necessary to address the protected species issue in a timely and responsive manner.

The question then becomes how does DMF address the taking of diamondback terrapins in blue crab traps. While I understand the requests for DMF to explore the use of TEDs or spatial exemptions, I cannot recommend this. I have concerns regarding the effectiveness of TEDs and spatial exemptions and the continued takes that may occur if they were to be adopted. Moreover, if adopted, DMF would likely have to apply for a MESA Conservation and Management Permit from the Division of Fisheries and Wildlife's Natural Heritage Program. In doing so, we would have to assess impacts and management alternatives and implement long-term monitoring and mitigation strategies to achieve net benefit for diamondback terrapins. This is a substantial and continuous undertaking to accommodate the very limited use of a select gear in a recreational fishery to target a species at a nominal level when other alternative gears and techniques are readily available and commonly deployed.

Accordingly, I am recommending the Commission approve my proposal to prohibit the use of trap gear for taking blue crabs.

March 5, 2021

Mr. Daniel McKiernan  
Director, MA Division of Marine Fisheries  
251 Causeway St.  
Suite 400  
Boston, MA 02114

Re: Blue Crab Trap Prohibition

Dear Director McKiernan,

First, I'd like to thank the Division of Marine Fisheries (DMF) for taking steps to protect the state-listed salt marsh turtle, the Diamondback Terrapin. Thank you also for the opportunity to comment. I fully support DMF's proposal to ban the use of six sided traps to catch blue crabs, a recreational fishery.

My name is Bob Prescott, I'm sanctuary director emeritus at Mass. Audubon's Wellfleet Bay Wildlife Sanctuary. I have studied and work on conserving terrapin on the outer Cape, primarily in Orleans and Wellfleet estuaries since the late 1970s. I was also a long time recreational blue crab harvester starting in the early 1970 to the 1990s in Orleans on The River.

As I'm sure you and your staff know, the overwhelming scientific evidence shows, that even with excluders, TEDS or BRDS, the six-sided traps have a devastating impact on populations of terrapins. Even if adult females are excluded, populations are severely impacted by the loss of large numbers of adult males and juvenile male and female terrapins that are caught and drown. In some estuaries along the coast, crab traps represent the single greatest threat to terrapins.

Because of the 25-crab limit in Massachusetts' waters, the harvesting of blue crab is considered a recreational fishery and there is no need to use the six-sided traps. I believe you are making the wise and correct decision to ban the use traps.

We do not have a recreational blue crab fishery in Wellfleet Harbor, though the numbers of blue crabs in several Cape Cod Bay estuaries are increasing. However, there still is a recreational blue crab fishery in Orleans. For the most part, crabs are caught with handlines and collapsible traps. However, over the years during our periodic studies of terrapins in Orleans, we have discovered drowned terrapins in crab traps. In one case, in the late 1990s, we pulled a trap and found 4 dead terrapins.

The traps we've discovered did not seem to be permitted. None had regulation buoys or tags and often the traps were tied to docks, moorings or were thrown from shore. The owners, when told of the mortality or the treats to terrapins, did remove their traps.

Mostly people said they put out traps because there were so few crabs and putting out traps was the most efficient way to catch crabs. Most had no idea there were terrapins in our waters or that they could drown in the traps.

Your comments at the hearing were greatly appreciated. Education is going to be very important in letting people know the six-sided traps are not allowed and that the traps are a threat to terrapins.

The Upper Pleasant Bay population may be the most threatened population of terrapin in the state. With only 21 known nests in 2020 and with many of their historic nesting site lost because of natural succession, sea level rise and/or rapid tidal range changes due to breaches in the barrier beach, there are fewer and fewer places for terrapins to nest in this estuary system. Any loss of individuals in traps in Orleans would be extremely detrimental to the population.

Thank you for the opportunity to comment and thank you for DMF's leadership on this issue.

Sincerely,

Bob Prescott

Sanctuary Director Emeritus  
Mass Audubon's Wellfleet Bay Wildlife Sanctuary  
Director of Turtle Studies  
Box 236  
S. Wellfleet, MA 02663

CC: Senator Julian Cry  
Representative Sarah Peake  
John Regosin, Deputy Director, Mass Wildlife  
Mike Jones, MA State Herpetologist  
Nathan Sears, Orleans Natural Resource Director  
John Janell, Orleans, Conservation Agent  
Judy Scanlon, Chair, Orleans Marine and Freshwater Quality Committee



## Massachusetts Striped Bass Association

Since 1950

March 5, 2021

MA Division of Marine Fisheries  
251 Causeway Street  
Suite 400  
Boston MA 02114

Dear Director McKiernan,

I am submitting the following comments on behalf of the Massachusetts Striped Bass Association.

### **1. Circle Hooks & Striped Bass (322 CMR 6.07)**

MSBA acknowledges the immediate need to reduce mortality of striped bass because our membership believes the species is in serious decline and we acknowledge all involved with the fishery must do all what can be done to rebuild a healthy Striped Bass fishery.

***MSBA supports the proposal to mandate circle hooks when fishing with live or chunk bait.***

***MSBA supports the proposed exemption for “pork rind” when used as a trailer on an artificial lure.***

***MSBA supports the proposed exemption for worms when used as a trailer on an artificial lure such as the “tube & worm” technique.***

Many members feel circle hooks are appropriate for fishing with live eels but due to multiple reasons including how the baits are fished, ***we request the following two exemptions be added to the regulation:***

- a. ***We request an exemption be made for “eel skin plugs.”*** This is when the skin of an eel is stretched over an artificial lure and fished with a cast and retrieve technique. Circle hooks are designed to be picked up by a fish that swims away. Actively swimming or moving a bait with a circle hook changes its effectiveness and conservation benefit
- b. ***We request an exemption be made for the use of “rigged eels.”*** This is when 1 or 2 hooks are rigged in a dead eel so that it is fished like an artificial lure using a cast and retrieve technique. Circle hooks are designed to be picked up by a fish that swims away. Actively swimming or moving a bait with a circle hook reduces its effectiveness and conservation benefit. This technique is very popular with surf fishermen and allows an angler to use purchased eels that have died

***MSBA supports these exemptions being applied to both Fore Hire & Private Recreational modes of the recreational fishery.*** We feel that level of expertise varies in both modes and see no reason to exempt one or the other from conservation mandates. In addition, MSBA is generally opposed to separate regulations for the For-Hire & Private Angler modes of the recreational fishery. We feel all citizens should be afforded the same opportunity to harvest this shared resource.

## **2. Recreational Gulf of Maine Cod (322 CMR 6.03)**

MSBA has serious concerns about the overall management of GOM Cod. We do not feel enough is being done to rebuild this important species. We further feel a single bag limit fishery for a species primarily caught well offshore challenges the boundaries of common sense. That being stated we acknowledge current management intends for this to be a bycatch fishery while anglers are targeting other species. We further acknowledge that management of this species is controlled by NMFS and not the Commonwealth of MA.

MSBA is generally opposed to separate regulations for the For-Hire & Private Angler modes of the recreational fishery. We feel all citizens should be afforded the same opportunity to harvest this shared resource.

*However, in this case we understand the split regulations are intended to offset some losses of the For Hire Fleet due to Covid 19 and feel this is a worthy exemption.*

*MSBA is in support of the proposed regulations* as we feel there is great value to keeping the MA regulations the same as the federal regulations.

## **3. Blue Crab Trap Prohibition (322 CMR 6.19)**

*MSBA supports this proposal* as explained during the public hearings.

Thanks for your consideration.

Patrick Paquette  
Govt Affairs Officer  
MA Striped Bass Association

**From:** [JARRETT DRAKE](#)  
**To:** [Fish, Marine \(FWE\)](#)  
**Subject:** Blue Crab Trap Proposal  
**Date:** Thursday, March 4, 2021 7:40:45 PM

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Hi Jared,

I suspect the logic for the proposed blue crab trap restriction is due to the potential of blue crab traps to catch terrapin turtles too. I wanted to inform you of the development of special turtle "excluder" entry cones. Since my father has switched his five or so blue crab traps to these special entry cones, he has effectively reduced his turtle by-catch by at least 99%. The down side of these devices is that they reduce the size of the blue crabs entering the traps as well. But, they have proven quite effective.

I would like to suggest a mandate to use these turtle "excluder" devices as an alternative to eliminating traps all together. Perhaps reduce the trap limit as well? My father never has fished more than five or so traps recreationally to put a special dinner on the table once in a while.

Thank you,

Jarrett Drake

**From:** [Ray Castano](#)  
**To:** [Fish, Marine \(FWE\)](#)  
**Subject:** Circle hooks  
**Date:** Thursday, March 4, 2021 6:57:45 PM

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I strongly disagree with rescinding the striped bass circle hook exemption for charter boats!

Massachusetts has a very large and diverse charter boat fleet, using lots of different fishing techniques. To lump everyone into the same category and force charter boats to use circle hooks in every "bait" situation is not fair.

Charter boats with decades of experience landing and handling striped bass have a very low release mortality rate.

This is a dead stick/chunk hook and should be looked at as such and not with such a broad brush.

Furthermore, where is the science to back this up?

Where is the data behind our forced compliance into a hook that many charter boat captains, with years and years of actual on the water fishing experience say "DO NOT WORK IN ALL SITUATIONS"

Circle hooks reduce mortality because circle hooks reduce catches! That's a fact that I will put my Three decades of Boston bass fishing experience behind.

Haddock/Cod Season:

Opening the season April 1st is a joke.

Most boats are still on the hard and most marinas don't even open for their season until May 15th. These are just tiny little bread crumbs being handed to the fleet, most of which won't even be in the water and the state knows that.

Open the season in May when we can actually fish.

The for hire fleet absolutely should get an extra two weeks in the fall, we rely on groundfish to book trips when the stripers are thinning out.

Respectfully submitted Ray Castano  
Sent from Rays iPad

**From:** [Mike Carroll](#)  
**To:** [Fish, Marine \(FWE\)](#)  
**Cc:** [Jaron Frieden](#); [scottcampbell0055@gmail.com](#); [paul@bostonfishing.com](#); [ff\\_boston@yahoo.com](#); [Michael Pierdinock](#); [Rob Savino](#)  
**Subject:** Comments On New MA Rec Regualtions  
**Date:** Thursday, March 4, 2021 11:55:03 AM

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Dan

I am writing on behalf of various fishing charter operators in the state of Massachusetts. The Ma charter industry is clearly a separate user group than the Ma recreational fishery and should be considered separate in both science and management. It is imperative that the state of Ma conduct both scientific assessment as well as issue management decision based on this groups activities and not the greater recreational fishery activities.

Given this is a small user group and its activities and economic drivers are substantially different from the recreational fishery all encompassing management decisions made based on the larger groups science could have substantial impact on this smaller group, who's revenues are directly linked to gear type or any type of fishing restrictions.

Various decisions are being made for the MA charter fishing industry essentially based on science that pertains to the large recreational fishery in MA. In order for the state to properly manage the charter fleet they must consider both the differences in experience and care taken with gear and handling but also the sensitivity in the charter fleets economic drivers.

The State managers must understand that a basic gear requirement like circle hooks can and will substantially reduce successful hook rates for the charter fleet in effect will reduce visitor satisfaction, return trips and decrease over all revenue for each individual operator. On the other hand the experience and way the charter fleet utilizes different hooks in different scenarios is clearly NOT representative of the recreational fleet as a whole. Therefore mortality associated with the use of different hooks is substantially lower, combined with the fact that the charter fleet user group is so small, will result in not much of a difference in overall mortality for the fishery.

The argument that is being made here is the net economic loss to the charter operators far outweighs the net gain in mortality in the fishery. Profitability in the MA charter fleet is already a challenging issue, the implementation of this rule as well as various other temporal and spacial decisions in many other fisheries based on the overall recreational data clearly risks the loss of a viable MA charter fleet. In the best interest of keeping a viable and historic MA charter fleet, we are strongly urging the state as well as ASMFC to set regulations independently for the charter user group and based on data only directly derived from the charter fleet. It is imperative to understand that the Ma Charter fleet is a very small, very sensitive to gear, spacial or temporal rules as well as operating barely above and in many cases below profitability.

In summary, I am not in favor of the new circle hook rule for MA charter vessels and feel strongly any temporal and spacial open and closure decisions should adequately account for input from the MA charter fleet.

Regards  
Captain Mike Carroll  
Town Fish Co.  
Boston Ma 02129

**From:** [Paul](#)  
**To:** [Fish, Marine \(FWE\)](#)  
**Subject:** Comments to Spring 2021 Rule Making Schedule  
**Date:** Thursday, March 4, 2021 2:28:11 PM

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Cod/Haddock  
Opening April 1st really doesn't work for most boats  
My insurance states that I have to stay on the hard until April 25th  
My marina contract starts May 1st  
I'm sure the majority of boats are in the same situation  
The weather in the April is usually rainy and windy  
I would like to see the season start in May  
The 2 weeks in September I support

The For Hire Fleet  
I would like to see the for hire fleet to have their own category. Its not fair to have us in the same category as recreational anglers

Circle Hook Exemption  
I know your hands are tied this year with the circle hook exemption for charter boats. Maybe we could change this down the road

Tube and Worm, Pork Rind  
I use both rigs and have never gut hooked using either one  
On a personal note Peter Santini the owner of Fishing Finatics in Everett, Ma  
Holds a US Pattern on his tube and they are sold all over the northeast

Thank you  
Paul Diggins  
Reel Pursuit Charters  
Charlestown, MA 02129

Sent from my iPad

**From:** [Captain Brad!](#)  
**To:** [Fish, Marine \(FWE\)](#)  
**Subject:** I strongly disagree with rescinding the striped bass circle hook exemption for charter boats.  
**Date:** Thursday, March 4, 2021 1:30:00 PM

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## *White Cap Charters®*

3/4/21

[marine.fish@mass.gov](mailto:marine.fish@mass.gov)

Dear Marine Fisheries,

I strongly disagree with rescinding the striped bass circle hook exemption for charter boats.

Massachusetts has a large and diverse charter boat fleet, using several different fishing techniques. To lump everyone into the same category and force charter boats to use circle hooks in every "bait" situation is not fair or practical.

Massachusetts charter boats have decades of experience landing and handling striped bass with a low mortality release rate.

The science and empirical data behind your suggested forced compliance into a different hook will not work in most all situations as ratified by many charter boat captains / operators with many years of on the water fishing experiences.

Circle hooks reduce mortality because many fish spit them out.

Regarding the Haddock/Cod Season:

The suggested April 1<sup>st</sup> opening day is not practical. It is still winter, and many boats are on the hard until the last week of April as marinas do not typically open until May 15. It is obvious that someone who is not a mariner set that date. So that opening date is a fruitless and calculated effort with again no science behind it.

Suggested solution—Open the season May 15 so boats and anglers can catch fish when the charter boats are operating.

In addition, the for hire fleet, should qualify and get an extra two weeks in the fall because we rely on ground fish to book trips and stay in business when the stripers run subsides.

Please action my request for the entire for hire fleet.

Sincerely,

**Captain Brad White**  
149 Old Main Street, PO Box 489  
Marshfield Hills, MA 02051-0489  
Cell: 617-966-1986

**Email: CharterWhiteCap@aol.com**  
**www.charterwhitecap.com**

**From:** [Jaron Frieden](#)  
**To:** [Fish, Marine \(FWE\)](#)  
**Subject:** March 2, 2021 Public Hearing Comments  
**Date:** Thursday, March 4, 2021 4:34:07 PM

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Dear Mr. McKiernan,

I am providing comment to the March 2, 2021 "Public Hearing on Draft Regulations Affecting Recreational Fisheries". I would like make the following points on record:

1. **Tube and Worm Exemption** - Thank you to the DMF for supporting the tube and worm exemption. Tube and Worm is amongst the safest ways to catch a striped bass and I am certain that the next two year study will show that. I am happy to help with such studies if you like, please let me know how I can assist. There is no question that DMF saved fish by allowing for this exemption.
2. **Loss of Charter Circle Hook Exemption** – I appreciate that DMF was previously willing to grant an exemption for charter boats and I understand that the Atlantic States Marine Fisheries (ASMF) was not in agreement with this exemption. However, I am not aware of any study that has been done to differentiate the difference between mortality rates of a wide range of experience levels in the recreational fishery (beginner to expert) vs. that of the charter industry that makes its living fishing and is vastly more skilled than even the more experienced recreational anglers. Circle hooks work well when chunking, but are not effective on the troll, which is what charter boats typically are doing when fishing for striped bass. Clients do not want to sit on a boat being rocked consistently waiting for a striper to hit while they get sea sick. They want to cruise around, troll and keep the boat moving for a higher percentage hook up ratio and comfort. In essence, the ASMF and DMF have taken away the single most effective way to catch striped bass which is fishing with live mackerel and pogies with a treble hook on the troll, which if done effectively and attentively as experienced charter crew are is safe and rarely results in a gut hook. **If a captain sees a fish get gut hooked, we will switch methods because no one wants to see a bloody striper on the boat or have them die upon return, that would give a bad reputation to a charter boat which is stronger deterrent than any regulation that DMF or ASMF can come up with. Recreational anglers ARE NOT subject to this or any level of scrutiny.** The charter business is difficult to begin with, costs are constantly on the rise and regulations seem to change to affect us in a negative way consistently. However, the expectations of the customers don't change, they want to catch fish and they will not return if they don't, in addition are likely to give a poor online review which in today's day and age is a death sentence for a charter operation. **I ask that DMF and the different Charter Boat Associations work together to identify a way to get back that exemption for Charter Boats and convince ASMF that it is the right thing to do before our charter business are deeply affected and tourists decide to start taking their fishing charter business to other states.**
3. **Charter Boat Category** – It was brought up by several people in the meeting and has been a serious ask by the Charter Captains to have Charters be its own category and subject to its

own set of rules and regulations that are commensurate with our experience and dedication to this industry. **This is not unprecedented in other areas of regulation. For instance, commercial pilots are not subject to the same rules as recreational pilots. It would be ludicrous to subject a commercial pilot that operates a plane day in and day out to the same rules as a weekend warrior, so they don't.** There are license and experience requirements that make that difference. It is the same for a professional charter boat captain that has take the time, energy and cost to log their time on the ocean, pass the captain's exam, bring their boat up to safety code, obtain the crazy amount of permits that are required, insurance and then be so committed to fishing and hone our craft so well that customers pay us to catch them fish. Recreational anglers do none of the above, although there are clearly some very talented and dedicated recreational anglers, a large majority are weekend warriors that are mostly concerned about what is in the cooler to drink and what is for lunch and then realize they may have fish on the line. **It is time that we recognize the that fishing is a profession for some and a hobby for others and regulate that way. It would likely make DMF and ASMFC's job's easier as there is often very little push back on regulations changes from the recreational community because they are largely oblivious.** The fight against regulation change usually comes from those that are truly affected, the charter and commercial fleet which makes up a very small percentage of the fishery and even a smaller percentage of the mortality rate. If you want evidence of this, please check out Boston Harbor when the schoolies are chasing the bait in the inner harbor and watch the fleet of recreational anglers throwing treble hook lures at 12-16" fish, gut hook them and then release them by throwing them 5 yards off the stern, a nice weekend with lots of birds is accompanied by 100s of dead stripers floating around. You will never see a charter boat doing that, we have too much respect for our fishery, but yet we are held to the same standards.

4. **Cod** – Although it is appreciated that DMF is opening Cod later in the fall, the April 1<sup>st</sup> date does not work in any way for charter boats. Charter boats are not in the water until May 1<sup>st</sup> because the weather is bad, tourism season hasn't started, insurance doesn't allow you to launch until the end of April and marinas and yacht clubs typically don't start the summer season until May 1<sup>st</sup>, so the 2 weeks in April are useless. It would be very helpful to have the two weeks at the beginning of May so that charter boats can focus on the ground fishery because the striped bass do not start showing up in numbers and with larger fish until the end of May and early June.

Thank you for your consideration,

**Jaron J Frieden  
US Coast Guard Licensed Captain**

**Lucky 7 Fishing Charters  
781-710-1190  
www.fishlucky7.com**

**Cornelius W. Andres**  
332 Woodside Road  
West Barnstable, MA 02668

February 26, 2021

Daniel McKiernan, Director

Massachusetts DMF  
251 Causeway Street, Suite 400,  
Boston, MA 02114

ATTN: Jared Silva

Director Daniel McKiernan:

**RE: February 4, 2021 Hearing Notice - Blue Crab Trapping**

Please accept these comments on the proposed blue crabbing prohibition.

I am a recreational and commercial fisherman. I have used crab pots on the south side of Barnstable for over 30 years without taking a turtle. The pots are effective in trapping large crabs. Last year I purchased new pots.

As climate changes, fishermen must adapt - I note blue crabs with increased frequency in Cape Cod Bay. Banning crab pots would impact the ability of Massachusetts fishermen to adapt to climate change by targeting different species as the range of the blue crab likely increases in the future.

A quick search of the internet reveals that States such as Maryland, Delaware, New Jersey, and new York have addressed the turtle bycatch issue with turtle excluder devices. They are currently under consideration in Florida and North Carolina.

<https://wetlandsinstitute.org/conservation/terrapin-conservation/excluder-devices-on-commercial-crab-traps/>

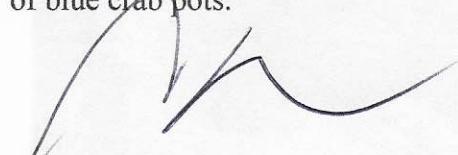
*In response to this problem, in the mid 1990's scientists at the Wetlands Institute developed a simple, inexpensive, and effective terrapin excluder for crab traps. The*

device can be easily fit into the inner (narrow) end of the entrance funnels on crab traps. Fortuitously, our research documented an increase in the number of marketable crabs caught when excluders are used because the reduced size of the inner funnel opening makes it more difficult for crabs, especially large ones, to find their way out of the trap once they have entered.

Our excluder research was the basis for a regulation in New Jersey (N.J.A.C. 7:25-14.1 and N.J.A.C. 7:25.14.6(c)) that went into effect on January 1, 1998. Since then, all Maryland style crab traps used in salt marsh creeks less than 150 feet wide at mean low tide, or in any man-made lagoon, must be fitted with terrapin excluders. This regulation applies to both commercial and recreational crabbers. Maryland and Delaware have subsequently followed suit by implementing their own terrapin excluder regulations.

<https://www.reptilesmagazine.com/florida-urged-to-require-turtle-excluder-devices-for-blue-crab-traps/>

Please consider the requirement of turtle excluder devices on blue crab pots rather the prohibition of blue crab pots.



Cornelius. W. Andres  
508-420-0051  
neil.andres@comcast.net

Our invention, required by state regulation since 1998, has saved thousands of terrapins from drowning in commercial ("Maryland style") crab traps.

Being carnivores, terrapins are attracted by the bait fish used in Maryland style crab traps (or "pots", as they are often called). As a consequence, male and female terrapins of all sizes push their way through the entrance funnels of these crab traps in order to get to the bait. Unlike crabs, which have gills, terrapins have lungs and are air breathers just like people. So, once inside the traps, terrapins usually drown.



In response to this problem, in the mid 1990's scientists at the Wetlands Institute developed a simple, inexpensive, and effective terrapin excluder for crab traps. The device can be easily fit into the inner (narrow) end of the entrance funnels on crab traps. Fortunately, our research documented an increase in the number of marketable crabs caught when excluders are used because the reduced size of the inner funnel opening makes it more difficult for crabs, especially large ones, to find their way out of the trap once they have entered.

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**From:** [Chris Williamson](#)  
**To:** [Fish, Marine \(FWE\)](#)  
**Subject:** April opening for cod  
**Date:** Friday, February 19, 2021 10:04:01 AM

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Greetings,

I think the added April season for Cod fishing is a fair plan. However I think you should consider opening in May instead. April is very early season for most. Most marinas do not allow us to lunch boats until May 15. April is the time a lot of fishermen focus on fresh water trout while prepping boats for a May start for the salt water season.

Please consider extending the cod opening through at least part of the month of May.

Thank you,  
Chris Williamson

Sent from my iPhone

**From:** [JOSH ELDRIDGE](#)  
**To:** [Fish, Marine \(FWE\)](#)  
**Subject:** Attention Dan McKiernan  
**Date:** Monday, February 15, 2021 1:18:20 PM

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Good afternoon,

I'm writing in regards to the proposed blue crab trap Prohibition (432 cmr 6.19)

I am not in support of this action, nor do I understand the need to eliminate what has always been a recreational fishery out here. I live and fish in Nantucket. There are only two of us the trap blue crab with any regularity. Occasionally someone will get a few traps to play with, with their children. After a few weeks the traps often abandon. It is unfortunate, but everything is cleaned up by those of us that are more avid fisherman. That being said, I feel strongly that the positive experience the kids receive through these activities and the overall knowledge and appreciation they gain for the environment far away the negatives in this situation. Unfortunately the patients needed for attended traps, or open traps does not really lend itself to a positive experience for children. At this point in time with access to the waterfront, and the marine environment becoming more and more difficult for families it would be a shame to take away one of the more affordable ways for a family to enjoy one little part of it.

As I stated earlier, I don't know why the need to eliminate this fishery has come up. I'm assuming the state is experiencing some form of overfishing, enforcement issues, or just plain abuse of the fishery. I realize I live in a place where there doesn't seem to be an issue with it. At most I think making it a separate license from the recreational lobster license just to make it a little bit more difficult would be one possible option. Speaking for myself, I would consider this a historic fishery. I started trapping crabs with my grandfather and father. Some of my favorite memories are fishing with the two of them. It would be sad to see this fishery go away.

Thank you for your time, and consideration.

Sincerely,

Josh Eldridge  
Nantucket  
508 901 1120

**From:** [Troy Kelley](#)  
**To:** [Fish, Marine \(FWE\)](#)  
**Subject:** attn. Director Daniel McKiernan  
**Date:** Thursday, February 4, 2021 3:28:50 PM

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Hello Director,

I received the call for public comment on the recent Recreational fishing regulations. I'd like to voice my opinion, I'm quite tired of being targeted as a recreational fisherman, every year there are more and more and more restrictions laid upon me. The proposed blue crab trap prohibition is taking things way to far! There are tons of crabs and other than myself I only now of two other people who use the traps and they are Native American friends who will continue to use them. I grew up on the cape on green pond in Falmouth never one single time did I ever EVER see anyone or hear of anyone using blue crab traps. We always went at night with a dipnet when I was a young man. Well now I have a job, responsibilities and limited time. The only way I can enjoy a few crab boils a year are by using traps (yes I purchased a lobster license as required). Delicious as they are they are a lot of work to eat so I only set the traps 3 or 4 times a year for an overnight soak. I purchase more and have more permits than I know what to do with yet every year I'm strangled by new regulations. Before long I fear I will only be allowed to fish for sea robins (which are delicious) for 3 days a year with 4lbs test, between the hours of noon and 1:30, using circle hooks, 27" minimum length, 1 per day as long as I have a special permit..... PLEASE don't take away another enjoyment!!!

Sincerely,

Troy

**Troy Kelley**  
**265 Club Valley Dr**  
**E. Falmouth, MA**  
**02536**  
**508-922-8807**

**From:** [Troy Kelley](#)  
**To:** [Fish, Marine \(FWE\)](#)  
**Subject:** ATTN: Director Daniel McKiernan Crab trap reg  
**Date:** Thursday, March 4, 2021 7:37:32 AM

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Hello Director McKiernan,

The prohibition of Blue claw traps is absurd! There are few people using this style trap and for some of us it's the only way we can harvest a few crabs to enjoy! Shoreline access is at an all time low to collect crabs using any method. At least on Cape there is no shortage of blue claw crabs, the gear poses no threat to marine mammals and there are way fewer people harvesting blue crabs than there were decades ago. Stop making rules just to make rules!!!

Sincerely,

Troy

**Troy Kelley**  
**Woods Hole Oceanographic Institute**  
**Vehicle Maintenance**  
**266 Woods Hole Rd**  
**MS# 3**  
**Woods Hole, MA**  
**02543**  
**PH. 508-289-2415**  
**Cell 508-922-8807**  
**Fax 508-457-2178**

**From:** [JOSH ELDRIDGE](#)  
**To:** [Fish, Marine \(FWE\)](#)  
**Subject:** Blue crab closer follow up  
**Date:** Monday, March 1, 2021 10:19:18 AM

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To whom it may concern,

Just a quick follow up to the letter I sent the other day. After looking into this more, I now understand that this proposal was made in the interest of resolving incidental by catch of Diamond Back Terrapin turtles. Which I think is a great, any opportunity to resolve by catch is a worthy effort. However, I feel that prohibiting trap fishing state wide is still an excessive step. Seasonal and geographical gear restrictions are effectively used through out the commercial fish and lobster industries. To ban recreational trap fishing in areas like Nantucket, Martha's Vineyard, the Elizabethan island and other ares out side of the Diamond Back Terrapins range where there is no conflict, because it the easiest, exceeds the intent of this proposal. Please give this the same care and consideration you would if this was commercial fishery.

Thanks again,  
Josh Eldridge  
Monomoy Charters  
Nantucket  
508 901 1120  
Sent from my iPad

**From:** [Jim Troupes](#)  
**To:** [Fish, Marine \(FWE\)](#)  
**Subject:** blue crab trap prohibition  
**Date:** Monday, February 8, 2021 12:46:49 PM

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February 8, 2021

Director Daniel McKiernan;

As a native and Massachusetts' Veteran, I strongly object to a blue crab trap prohibition. As a licensed and regulation obeying holder of a recreational lobster license, I have enjoyed days along the Weweantic Estuary on the south coast crabbing by hand and by trap. I'm 72 and live 60 miles away from the state boat ramp on I-195. To my mind, the only legitimate factor for outright prohibition of crabbing is to protect the resource. As I'm sure you've found out by now, protecting the resource at the expense of legitimate crabbers, hits a huge nerve. Enforce the current laws first! Give them a try. 25 per day with a s-t-s of 5" minimum, last time I looked. I have personally witnessed gross violations of these rules. Thank you for your consideration. James P. Troupes, 31 Walcott Street, Hopkinton, MA 01748-1252

**From:** [Michael Lizotte](#)  
**To:** [Fish, Marine \(FWE\)](#)  
**Subject:** Blue Crab Traps  
**Date:** Thursday, March 4, 2021 8:58:15 AM

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Hello,

I am writing to ask that the state please reconsider the banning of blue crab traps. First I would like to say that I do not disagree that the threat to terrapin turtles from existing crab traps is real and must be fixed.

Over 4 years ago I learned that there was a plastic shield that was available that you could retrofit a crab trap with that reduced the opening size and would stop turtles from being able to enter the trap. I ordered them and they were easily installed using plastic cable ties. We have a family permit and fish 6 traps approximately 20 times a season, since these blocks were installed we have not had any terrapin turtles enter our traps, the blocks also kept spider crabs and toad fish out as well. The attached picture shows these shields installed on one of my traps.

I am 64 years old and enjoy crabbing and fishing from a small boat in Marion. I invested in traps so we could avoid being in the marshes at night which is the best time for crabbing with dipnets. Being out in the marshes at night exposes you to being bitten by disease carrying mosquitos which are a problem in Plymouth County.

My suggestion is that the state ban the use of any deployed crab trap that is not equipped with terrapin turtle blocking shields and make the fines very stiff for even a first violation. I would even be willing to scrap my existing traps and purchase new traps that were state approved to keep the trapping option.

Sincerely

Michael E Lizotte  
56 Rocky Knook Lane  
Marion, MA 02738  
H – 508 748 1376  
M- 774 260 0257  
[michaelelizotte56@gmail.com](mailto:michaelelizotte56@gmail.com)

Mike Lizotte  
56 Rocky Knook Lane  
Marion, MA 02738  
H – 508 748 1376  
M- 774 260 0257  
[michaelelizotte56@gmail.com](mailto:michaelelizotte56@gmail.com)



To: Massachusetts Division of Marine Fisheries  
From: Barbara Brennessel, Ph.D.  
Date: March 3, 2021  
Re: Diamondback terrapin mortality in blue crab traps.

I speak for myself and also for members of the Diamondback Terrapin Working Group (DTWG.org) , a national organization dedicated to research, conservation and education concerning diamondback terrapins. The Northeast Chapter of our organization submitted a letter dated Nov. 20, 2020. We are pleased that the DMF has decided to take action after the recent documented incident along the south coast of diamondback terrapin mortality in a blue crab trap/pot.

Although the documented mortality incident occurred along the south coast, blue crabs are present in Barnstable Harbor/Great Marsh, Pleasant Bay in Orleans and have made their way into Wellfleet Harbor where shellfish farmers observe them in increasing numbers. Their presence has been documented in Wellfleet Harbor by Owen Nichols at the Center for Coastal Studies as part of a Harbor Wide study of fish abundance and distribution (Owen Nichols; preliminary report to Friends of Herring River). As blue crabs are targeted by recreational fishermen, the use of six-sided or Maryland-style pots could potentially become more prevalent in harbors such as Wellfleet and estuaries surrounding Cape Cod Bay. This gear has the potential to drown terrapins, increase their mortality above that caused by other anthropogenic factors, and constitute an illegal “take.”

Because Massachusetts does not have a commercial blue crab fishery, we believe it is the preferred solution to completely eliminate this type of pot/trap in harbors and estuaries to target blue crabs. These are waters where terrapins are likely to be found. We understand that this type of pot/ trap is not widely used by Massachusetts crabbers and there are other options available, such as collapsible traps and dip nets.

Thank you for your proposal of this amendment. We look forward to its enactment in spring 2021.

**From:** [Mike Lash](#)  
**To:** [Fish, Marine \(FWE\)](#)  
**Subject:** Changes in the fishing regulations  
**Date:** Saturday, February 6, 2021 10:39:29 AM

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As a Recreational fisherman from MA I agree with the proposed changes outlined in the notice.

I do however advocate the mistaken stripers catch on a non-circle hook should be assessed if the fish is viable before returning to the water.

I'd hate seeing more dead stripers floating that were mistakenly gutted by a straight hook.

Thank you for keeping the fisheries safe.

Sincerely,

Mike Lash

**From:** [Ronnie Munafo](#)  
**To:** [Fish, Marine \(FWE\)](#)  
**Subject:** Charter boat circle exemption  
**Date:** Thursday, March 4, 2021 7:33:38 AM

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Good morning.

I am sending this letter to state me strong opposition to being force to use circle hooks.

While I agree circle hooks are great in “certain” ways of fishing in “certain” areas they make it impossible to catch fish in most situations.

Trolling, casting & live lining are examples that circles will only assure no catching.

Mandating circle hooks for charter boats will only accomplish no bookings and charter boats going out of business.

I have 25 years chartering in Boston and we have always promoted catch & release & conservation, it is after all our responsibility to insure future charter business and for the fish to be there for all to share in.

Thank you for you consideration. Captain Ron Munafo  
[bostonharborcharters.com](http://bostonharborcharters.com)

Sent from my iPhone

**From:** [michel Bousaleh](#)  
**To:** [Fish, Marine \(FWE\)](#)  
**Subject:** Circle hook  
**Date:** Thursday, March 4, 2021 7:29:24 AM

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Hello

I strongly disagree with rescinding the striped bass circle hook exemption for charter boats!

Massachusetts has a very large and diverse charter boat fleet, using lots of different fishing techniques. To lump everyone into the same category and force charter boats to use circle hooks in every "bait" situation is not fair.

Charter boats with decades of experience landing and handling striped bass have a very low release mortality rate.

This is a dead stick/chunk hook and should be looked at as such and not with such a broad brush.

Furthermore, where is the science to back this up?

Where is the data behind our forced compliance into a hook that many charter boat captains, with years and years of actual on the water fishing experience say "DO NOT WORK IN ALL SITUATIONS"

Circle hooks reduce mortality because circle hooks reduce catches! That's a fact that I will put my Three decades of Boston Striped Bass fishing experience behind it.

Thank you!  
Captain Mike Bousaleh  
Boston Fishing Charters LLC

**From:** [Jim Lynch](#)  
**To:** [Fish, Marine \(FWE\)](#)  
**Subject:** Circle hook Mandate  
**Date:** Thursday, March 4, 2021 9:22:20 AM

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**CAUTION:** This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I strongly disagree with rescinding the striped bass circle hook exemption for charter boats!

Massachusetts has a very large and diverse charter boat fleet, using lots of different fishing techniques. To lump everyone into the same category and force charter boats to use circle hooks in every "bait" situation is not fair.

Charter boats with decades of experience landing and handling striped bass have a very low release mortality rate.

This is a dead stick/chunk hook and should be looked at as such and not with such a broad brush.

Circle hooks reduce mortality because circle hooks reduce catches!

**From:** [Jeffrey Fontes](#)  
**To:** [Fish, Marine \(FWE\)](#)  
**Subject:** Circle hook regulations  
**Date:** Thursday, March 4, 2021 7:58:34 AM

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**CAUTION:** This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Good morning,

I strongly disagree with rescinding the striped bass circle hook exemption for charter boats!

Massachusetts has a very large and diverse charter boat fleet, using lots of different fishing techniques. To lump everyone into the same category and force charter boats to use circle hooks in every "bait" situation is not fair.

Charter boats with decades of experience landing and handling striped bass have a very low release mortality rate.

We are professional waterman we guide our clients to proper fishing technique, rod handling and landings.

This is a dead stick/chunk hook and should be looked at as such and not with such a broad brush.

Where is the science to back this up?

To obtain actual data why not ask all fisherman from recreational to commercial to report their catch/discards/bait used / hook placement/boat or shore? You have the vast majority of a fishery not providing any data to support what is merely an assumption. I think it will be apparent where the mortality rates are generated.

As a charter captain I don't mind reporting because it ensures the data is correct for setting proper regulations, not spot checked based data on only one user group, and not emotion based observations from NGO groups with self serving interests.

Where is the data behind our forced compliance into a hook that many charter boat captains, with years and years of actual on the water fishing experience say "DO NOT WORK IN ALL SITUATIONS"

Circle hooks reduce mortality because circle hooks reduce landings. Additionally from many years of using circle hooks i can honestly count the number of gut hooks as well as dead discards/fish that were not going to make it with both j and circle hooks on one hand as neither prevents it when you have an aggressive feeder or "lazy fisherman" which we avoid through diligence.

There a thousands of saltwater permits issued to recreational fisherman each year and only a few hundred or less charter boats.

These fish are our livelihood and we are one of the few groups who depend on them. We are absolutely focused on the healthy release of undersized fish as well As fish that will not be consumed.

Haddock/Cod Season:

Opening the season April 1st is a farce.

The vast majority of boats are still in winter storage because most marinas don't even open for their season until May 15th. The idea that we are getting additional fishing weeks is a slight of hand because the state knows that boats are not in the water to take advantage of the "extra week"

Open the season in May when we can actually fish.

The for hire fleet absolutely should get an extra two weeks in the fall, we rely on groundfish to book trips when the stripers are thinning out.

Captain Jeff Fontes  
Two Captains Charters.  
Newburyport

--

Captain Jeff Fontes  
978-360-3245  
Two Captains Charters

**From:** [Demetrios Salpoglou](#)  
**To:** [Fish, Marine \(FWE\)](#)  
**Subject:** Circle hooks all the way for striped bass on all natural baits. 100%  
**Date:** Friday, February 5, 2021 9:05:15 AM  
**Attachments:** [image001.png](#)

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**From:** [Cosmo Buttaro](#)  
**To:** [Fish, Marine \(FWE\)](#)  
**Subject:** Circle Hooks for Striped Bass  
**Date:** Saturday, February 6, 2021 6:57:44 AM

---

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I'm in favor of the exemptions for tube and worm and pork rind.

Sent from my iPhone

**From:** [Ray Moloney](#)  
**To:** [Fish, Marine \(FWE\)](#)  
**Subject:** Circle Hooks  
**Date:** Friday, February 5, 2021 9:17:43 AM

---

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During last season we used circle hooks per law.

They do not work we still had gut hooked fish.

The circle hook is not a better option

**From:** [Pete Kelly](#)  
**To:** [Fish, Marine \(FWE\)](#)  
**Subject:** Circle hooks  
**Date:** Friday, February 26, 2021 11:29:20 AM

---

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Circle hooks do not work well when commercial fishing for striped bass using live bait. The barb tends to bury itself into the live scup. Then it can't hook the bass after being swallowed. This results in the getting point stuck in the scup or eel after the bass pukes the bait up.

Sent from my iPhone

**From:** [Center](#)  
**To:** [Fish, Marine \(FWE\)](#)  
**Subject:** circle hooks  
**Date:** Thursday, February 4, 2021 9:00:15 PM

---

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I am sure you will get plenty of letters and shout outs on the subject of circle hooks and stripe bass so here is one more, use circle hooks on all fish, cod, haddock, stripe bass and bluefish. Lets give the fish a chance to survive release on recreational and for hire boats.

Bill Biswanger  
1 Hayes Dr.  
Townsend Ma.  
978 337 0696

**From:** [Randy Sigler](#)  
**To:** [Fish, Marine \(FWE\)](#)  
**Subject:** Comment on Draft Recreational Fishing Regulations  
**Date:** Monday, February 8, 2021 7:32:22 PM

---

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Dear DMF,

A quick note to give my comment on proposed recreational fishing regulations:

1. Fully support circle hook regulations for striped bass fishing. As a significant “for hire” participant (8 boats and over 1,000 trips last season), I am in full support of rescinding the For-Hire exemption. We have been fishing exclusively with circle hooks for 10+ years, and it has had no negative effect on our business. It actually helps us educate anglers to the benefits of circle hooks.
2. GOM Cod: I would prefer a more conservative approach to cod regulations (continued year-round closed season), yet I understand the need to be consistent with federal regulations. A larger point, from my perspective, is the inequity between commercial and recreational access to a public resource. I feel that it is highly inappropriate for one sector to have access to a public resource while other citizens are denied access. Despite the problems with fishing a mixed groundfish speices, I feel the resource deserves more protection in order to recover.

As an aside, if recreational fishing mortality is the driving factor behind limited groundfish access, can we address that with mandatory descender device regulations similar to southern reef fishing? I suspect that barotrauma is the leading mortality risk to recreationally caught cod, so a simple descender device (we've been using them for years ... happy to share feedback) could make a big impact.

3. GOM Haddock: As with Cod, I prefer a more conservative approach, yet understand the benefit of matching federal regulations. My business would be perfectly fine with an 8 fish limit. Unfortunately, 90% of the haddock we catch are under 19". It would seem that if we reduce the bag limit, we may allow more fish to grow to larger size?

That's all ... no comment on Blue Crabs :)

Thanks to all of you for everything you do to protect the amazing marine resources we have in this state ... it does not go unnoticed by us!

Sincerely,

Randy Sigler  
Sigler Guide Service  
1 Peabody Ln  
Marblehead, MA 01945  
[www.Striper.com](http://www.Striper.com)  
[randy@striper.com](mailto:randy@striper.com)

617-459-1798

**From:** [heather@ketchamsupply.com](mailto:heather@ketchamsupply.com)  
**To:** [Fish, Marine \(FWE\)](#)  
**Subject:** Comments for Recreation Blue Crab Trap Prohibition Proposal  
**Date:** Wednesday, March 3, 2021 11:30:12 AM

---

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To: Director Daniel McKiernan

From: Heather Ketcham, owner Ketcham Supply Co Inc.

Date: March 3, 2021

Subject: Recreation Blue Crab Trap Prohibition Proposal, Spring 2021 Rule Making Memo Feb. 12, 2021

The DMF is proposing to prohibit the taking of blue crabs by traps for recreational fishermen. As a manufacturer of such traps, this decision would have a tangible effect on our business.

The information available in the memo does not provide quantitative information. I understand this action is being proposed in response to concerns that blue crab traps may result in diamondback terrapin deaths. I would like to inquire whether there is a comprehensive data set on which this decision is based.

While precautionary measures may be a good thing, it does beg the question whether other regulatory measures are protecting the diamondback terrapin, and whether this particular measure would have a notable impact. Are there measures in place to limit development or protect their habitat? Are there measures to keep them from being killed or injured by cars or boats? Is my business being penalized to save a few animals while they are being systematically threatened in far larger numbers?

As stated in the memo, blue crab traps can be manufactured (and retrofitted) with turtle excluders. I would like to encourage the DMF to mandate turtle excluders and measure their result over the next recreational blue crab fishing season rather than going straight to prohibiting the traps all together.

I would like to unequivocally state that Ketcham Supply is committed to the protection of endangered and threatened wildlife, and equally committed to supporting sustainable fisheries and aquaculture. I believe that recreational fisherman tend to be quite conscientious, particularly if they are provided relevant information.

Kind regard,

Heather Ketcham

Heather Ketcham  
Ketcham Supply  
111 Myrtle St  
New Bedford, MA 02740

**From:** [Mike Delzingo](#)  
**To:** [Fish, Marine \(FWE\)](#)  
**Subject:** comments: New Recreational Fishing Regulations Affecting Circle Hooks for Striped Bass, Gulf of Maine Cod and Haddock  
**Date:** Wednesday, March 3, 2021 7:47:20 AM

---

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I strongly disagree with rescinding the striped bass circle hook exemption for charter boats!

Massachusetts has a very large and diverse charter boat fleet, using lots of different fishing techniques. To lump everyone into the same category and force charter boats to use circle hooks in every "bait" situation is not fair.

Charter boats with decades of experience landing and handling striped bass have a very low release mortality rate.

This is a dead stick/chunk hook and should be looked at as such and not with such a broad brush.

Furthermore, where is the science to back this up?

Where is the data behind our forced compliance into a hook that many charter boat captains, with years and years of actual on the water fishing experience say "DO NOT WORK IN ALL SITUATIONS" Circle hooks reduce mortality because circle hooks reduce catches! That's a fact that I will put my Three decades of Boston bass fishing experience behind.

Haddock/Cod Season:

Opening the season April 1st is a joke.

Most boats are still on the hard and most marinas don't even open for their season until May 15th. These are just tiny little bread crumbs being handed to the fleet, most of which won't even be in the water and the state knows that.

Open the season in May when we can actually fish.

The for hire fleet absolutely should get an extra two weeks in the fall, we rely on groundfish to book trips when the stripers are thinning out.

Captain Mike Delzingo  
Fishbucket Sportfishing  
Boston

**From:** [Roy Mulkern](#)  
**To:** [Fish, Marine \(FWE\)](#)  
**Subject:** Draft Recreational Fishing Regulations  
**Date:** Thursday, February 4, 2021 2:27:38 PM

---

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I am an avid recreational saltwater fisherman out of Scituate, MA. I fish for cod, haddock and stripers and agree with all of the proposed changes regarding these fish. I have no opinion on the blue crab changes as I do not fish them.

Thank you for including the public in this process.  
Best regards,  
Royal Mulkern  
Scituate, MA

**From:** [John Howland](#)  
**To:** [Fish, Marine \(FWE\)](#)  
**Subject:** Ground Fish  
**Date:** Friday, February 19, 2021 9:46:44 AM

---

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I am in favor of lifting recreational ground fishing closure for Cod and making the daily limit for recreational fishermen 5 fish per day. Please consider the tragic loss of caught fish that do not survive anyways after being brought up from deep water and released no issue with keeping the size to 21 inches thank you for your consideration

Sent from my iPhone

**From:** [Neil Hickey](#)  
**To:** [Fish, Marine \(FWE\)](#)  
**Subject:** Gulf of Maine Haddock  
**Date:** Thursday, February 4, 2021 6:36:43 PM

---

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I would favor a 15 fish bag limit for both recreation and for-hire fisherman. BUt This should be combined with a 20 inch size limit. Thanks, Neil Hickey

**From:** [Demetrios Salpoglou](#)  
**To:** [Fish, Marine \(FWE\)](#)  
**Subject:** Keep up the great work - I appreciate your conservation efforts on Striped Bass  
**Date:** Sunday, February 7, 2021 11:07:47 AM  
**Attachments:** [image001.png](#)

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From: Jim Troupes  
To: Silva, Jared (PWE)  
Date: Tuesday, March 2, 2021 9:54:57 AM

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Jim Troupes <[jimtroupes@gmail.com](mailto:jimtroupes@gmail.com)>

Mon, Feb 8, 12:46

to marine.fish



February 8, 2021

Director Daniel McKiernan:

As a native and Massachusetts' Veteran, I strongly object to an outright recreational blue crab trap prohibition. As a licensed and regulation obeying holder of a recreational lobster license, I have enjoyed many lazy days with my granddaughters (8411) along the Weweantic Estuary on the south coast crabbing by hand and by trap. I'm 72 and live 60 miles away from the state boat ramp on I-195. To my mind, the only legitimate factor for outright prohibition of recreational crabbing is to protect the resource. As I'm sure you've found out by now, protecting the resource at the expense of legitimate law-abiding recreational crabbers, hits a huge nerve. Enforce the current laws first! Give them a try. 25 per day with a s-t-s width of 5" minimum, last time I looked. I have personally witnessed gross violations of these rules. Thank you for your consideration. James P. Troupes, 31 Walcott Street, Hopkinton, MA 01748-1252

( ) Reply Forward

Jim Troupes <[jimtroupes@gmail.com](mailto:jimtroupes@gmail.com)>

Mon, Feb 8, 12:46

to marine.fish



February 8, 2021

Director Daniel McKiernan:

As a native and Massachusetts' Veteran, I strongly object to a blue crab trap prohibition. As a licensed and regulation obeying holder of a recreational lobster license, I have enjoyed days along the Weweantic Estuary on the south coast crabbing by hand and by trap. I'm 72 and live 60 miles away from the state boat ramp on I-195. To my mind, the only legitimate factor for outright prohibition of crabbing is to protect the resource. As I'm sure you've found out by now, protecting the resource at the expense of legitimate law-abiding recreational crabbers, hits a huge nerve. Enforce the current laws first! Give them a try. 25 per day with a s-t-s width of 5" minimum, last time I looked. I have personally witnessed gross violations of these rules. Thank you for your consideration. James P. Troupes, 31 Walcott Street, Hopkinton, MA 01748-1252

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**From:** [Joseph Gomes](#)  
**To:** [Fish, Marine \(FWE\)](#)  
**Date:** Friday, February 12, 2021 8:05:50 AM

---

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I'm a fan of circle hooks. Hate trawlers though. I am in favor of the circle hook regulations; ordered more hooks this week.

**From:** [David Rowland](#)  
**To:** [Fish, Marine \(FWE\)](#)  
**Subject:** Proposed Recreational Bait/Gear Changes  
**Date:** Thursday, February 4, 2021 3:15:13 PM

---

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Dear Director McKiernan:

As a recreational fisherman I support the proposed changes in total. It is refreshing to see the Division acting in a most adequate manner.

Respectfully,

Dave Rowland  
Haverhill

**From:** [connor rogan](#)  
**To:** [Fish, Marine \(FWE\)](#)  
**Subject:** Public Comment on Blue Crab Trap Prohibition  
**Date:** Tuesday, February 9, 2021 7:41:44 AM

---

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Good morning Mr. McKiernan,

I was curious why the state would propose to prohibit the use of blue crab traps? I'm a commercial shellfisherman and I'm noticing a large increase in the population of blue claws annually, I figure because of global warming. If anything it seems like an up and coming way for local fisherman to capitalize on global temp change and open new markets. I'm also concerned for the precedents this sets for other pot industries that are fished in blue claw habitat such as conch, scup, eels, and green crabs. If possible could you please attach any information the state has regarding how many blue crab traps are fished in Massachusetts annually and what zones, counties or LMAs they are fished in.

Thanks for reading and I look forward to hearing back from you.

Sincerely, Connor Rogan

Sent from my iPhone

**From:** [stephanie blackburn](#)  
**To:** [Fish, Marine \(FWE\)](#)  
**Subject:** Public comment re: blue crab trap prohibition  
**Date:** Saturday, February 27, 2021 12:54:22 PM

---

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Attn: Daniel McKieman

Dear Mr. McKieman,  
I am writing in response to the recent proposal for blue crab trap prohibition. (322 CMR 6.91)

If this prohibition was born for the protection of the diamond back terrapin, I have taken it upon myself to solve the problem of accidentally trapping turtles

I have installed turtle excluders on my blue crab traps. It has been successful in eliminating turtles from entering the traps for the past two years.

I have attached a photo of a trap with the excluder and a copy of my license.

I propose mandating turtle excluders which cost one dollar each rather than the prohibition of the traps altogether.



**Commonwealth of Massachusetts  
Department of Fish & Game  
Division of Marine Fisheries**



**2021 Non Commercial Lobster Permit**

**Customer ID: 1152710**

Expires: 12/31/2021

DOB: 8/6/1943

Issued: 12/23/2020

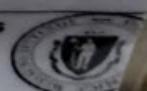
EDGAR L MARTIN JR  
352 MENDELL ROAD

ROCHESTER, MA 02770

Signature: Electronic Signature Affirmed



**Commonwealth of Massachusetts  
Department of Fish & Game  
Division of Marine Fisheries**



**2021 Recreational Saltwater Fishing Permit**

**Customer ID: 1152710**

Expires: 12/31/2021

DOB: 8/6/1943

Issued: 12/23/2020

EDGAR L MARTIN JR  
352 MENDELL ROAD

ROCHESTER, MA 02770

Signature: Electronic Signature Affirmed

recreational anglers and the for-hire mode:

Mode	Open Season	Bag Limit	Minimum Size
Private Angler	April 1 - April 14		
	Sept 15 - Sept 30	1 fish per angler	21 inches
For-Hire	April 1 - April 14		
	Sept 8 - Oct 7	1 fish per angler	21 inches

3. Recreational Gulf of Maine Haddock (322 CMR 6.03). Consistent with federal regulations, DMF seeks to adopt recreational Gulf of Maine haddock regulations that allow for an open season that spans from April 1 through the last day of February with a 15-fish bag limit and a 17" minimum size.

4. Blue Crab Trap Prohibition (322 CMR 6.19). DMF is proposing to prohibit the setting of traps for blue crabs and the retention of any blue crabs caught by trap gear. This does not apply to the use of any open or collapsible trap that is actively tended.

**Public Comment Period and Public Hearing Schedule** Written public comment will be accepted through 5 p.m. on Friday, March 5, 2021. Please address written comments to Director Daniel McKiernan and submit it by e-mail to [marine.fish@mass.gov](mailto:marine.fish@mass.gov) or by post to the attention of Jared Silva at 251 Causeway Street, Suite 400, Boston, MA 02114.

DMF has also scheduled a virtual Zoom public hearing for 6PM Tuesday, March 2, 2021. To attend this public hearing, you must register at in advance. A follow up e-mail will then be sent providing login and call in information. The pre-registration link is:

[https://us02web.zoom.us/webinar/register/WN\\_NgHYhfhrQDQqCoyUwiAQBw](https://us02web.zoom.us/webinar/register/WN_NgHYhfhrQDQqCoyUwiAQBw)

All materials, including the strikethrough regulatory language, may be found on DMF's website or may be acquired by contacting Jared Silva by e-mail at [jared.silva@mass.gov](mailto:jared.silva@mass.gov). Recordings of the public hearings will be published to DMF's YouTube channel.



#### Massachusetts Division of Marine Fisheries

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I can be reached at 508 789 0314.  
Thank you for your consideration

Edgar L Martin Jr.

[Sent from Yahoo Mail on Android](#)

**From:** [Mark Mattson](#)  
**To:** [Fish, Marine \(FWE\)](#)  
**Subject:** recreational fishing rules: circle hooks  
**Date:** Friday, February 5, 2021 5:12:49 PM

---

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Yes good job. \_Mark

**From:** [John Langlois](#)  
**To:** [Fish, Marine \(FWE\)](#)  
**Subject:** Regulation change for blue crab traps  
**Date:** Sunday, February 28, 2021 8:50:35 PM

---

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I am in favor of the regulation amendment that would ban unintended blue crab traps. I live on a river where blue crabs are caught and I frequently see people put out blue crab traps and come back for them days later. When they retrieve the pots, they contain many turtle shells.

Last summer, two crab pots were abandoned in the river. After several weeks, I rowed out and pulled the traps that were abandoned. One had three turtle shells and the other trap had four. This tragic carelessness should be banned.

Therefore, I support the regulation amendment.

**From:** [John Fo](#)  
**To:** [Fish, Marine \(FWE\)](#)  
**Subject:** Striped Bass Comment  
**Date:** Sunday, February 14, 2021 8:43:06 AM

---

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Hello,

I fully support the use of circle hooks with bait as specified. Please note: When trolling for stripers I have never gut hooked a fish in all my years of fishing. I don't know the effectiveness of a circle hook while trolling but the risk of gut hooking with a j hook is almost zero. Please keep this in consideration for trolling tube and worm, umbrella rigs or any other trolling tecnicas.

Additionally, I have gut hooked stripers using artifical jigs while casting and retreiving. It has not been a high frequency problem but if you react too slowly to a strike, the possibility is there.

I hope my input is useful in protecting the striped bass stocks.

Thank you,

John

**From:** [Jerry Audet](#)  
**To:** [Fish, Marine \(FWE\)](#)  
**Subject:** Support circle hooks in all manners; oppose increase in commercial season  
**Date:** Monday, February 8, 2021 9:49:54 AM

---

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Hello

This letter is in support of circle hooks in all measures for use with Striped Bass. I do agree and support the exclusion of tube and worm and bucktail with pork rind. However, if it means that the circle hook won't be used, or more exceptions will be used, I would rather just have the circle hook across the board. While we "know" that the bucktail and tube and worm are not responsible for the decline in the fishery, with almost certainty (99.999%), we need coast-wide consistency and compliance. So whatever measure is needed to ensure that.

Now, I know it's not time for public comment on this yet (or haven't seen), but I am adamantly **OPPOSED** to increasing the number of commercial striped bass days. Could not be more opposed to anything than I am to this. It makes absolutely zero sense: scientifically, logically, financially. The striped bass recreation industry is worth much, much, much more than the commercial. Just do the math: tackle shops, hotels, boats, marinas, restaurants, rentals, gas, etc etc etc- multiply this by millions.

Jerry Audet  
Douglas, MA

--  
Jerry Audet  
Outdoor Writer and Photographer  
[indepoutdoorsmedia@gmail.com](mailto:indepoutdoorsmedia@gmail.com)

**From:** [Frank Duggan Jr](#)  
**To:** [Fish, Marine \(FWE\)](#)  
**Subject:** Striped Bass Regs  
**Date:** Thursday, March 4, 2021 2:50:27 PM

---

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I STRONGLY oppose circle hook requirement for charter boat captains. Charter boat caps have a extensive working knowledge on how to treat and release undersized or oversized fish without fatality's. Circle hooks reduce fatality's because they reduce the catch rate. If the charter boat fleet can handle releasing fish without fatality's why would you handicap them. With Covid the Charter Boat fleet has sustained a crippling blow now you want to finish us off by reducing our catches? PLEASE reconsider changing the regs and let the people whom have the most experience regulate our methods to keep the population strong. Charter caps have nothing to gain from a declining population and we take every precaution to make this happen. Captain Frank Duggan OuterLimits sportfishing

**From:** [Troy Kelley](#)  
**To:** [Fish, Marine \(FWE\)](#)  
**Subject:** ATTN: Director Daniel McKiernan RE Crab Trap  
**Date:** Monday, March 8, 2021 8:19:29 AM

---

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Hello Director,

I just listened to the meeting regarding the crab trap ban. I've sent several emails regarding this subject under the impression that the ban was for crab protection and learned that it is to protect a turtle species. Had I known that my argument would have been very different but it wasn't printed in the notice. Surely there is a compromise, such as a regulation of how far inland the traps can be set or closed areas that the turtles are known to be active. I can pretty much assure you that there are none of these turtles where I or the people I know set these traps. Such as waquoit bay, great pond, green pond etc. There is no need to go way up into the marshes and most boats can't get there anyway. Don't punish the people who buy a permit and set their traps one night and pick up the next day in areas where these turtles are not active. I was really taken aback by the late comment by someone that it should be passed because its "only a recreational activity". We "only recreational" fisherman bear the brunt of regulation when you can drive your boat behind a dragger and see acres of dead fish stripers, scup whatever is in the area. Many more fish killed in every single pull as by catch than I could possibly take in a lifetime with my rod and reel for the freezer.

Troy

**Troy Kelley**  
**Woods Hole Oceanographic Institute**  
**Vehicle Maintenance**  
**266 Woods Hole Rd**  
**MS# 3**  
**Woods Hole, MA**  
**02543**  
**PH. 508-289-2415**  
**Cell 508-922-8807**  
**Fax 508-457-2178**



# The Commonwealth of Massachusetts

## Division of Marine Fisheries

251 Causeway Street, Suite 400, Boston, MA 02114

p: (617) 626-1520 | f: (617) 626-1509

[www.mass.gov/marinefisheries](http://www.mass.gov/marinefisheries)



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Governor

KARYN E. POLITO  
Lt. Governor

KATHLEEN A. THEOHARIDES  
Secretary

RONALD S. AMIDON  
Commissioner

DANIEL J. MCKIERNAN  
Director

March 1, 2021

Mr. Michael Pentony  
Regional Administrator  
Greater Atlantic Regional Fisheries Office  
National Marine Fisheries Service  
Gloucester, MA 01930

ATTN: Large Whale Proposed Rule (NOAA-NMFS-2013-0095)

Dear Mr. Pentony,

Please accept the following comments on proposed amendments to the Atlantic Large Whale Take Reduction Plan which are designed to limit the frequency and severity of interactions between large whales and trap/pot fishing gear in the Northeast Region.

**Trawl Up/Line Reduction.** MA DMF supports trawling up measures proposed in the Preferred Alternative (Alternative Two) which call for minimum standards for traps per trawl in various zones as a function of distance from shore and Lobster Management Area (LMA). In DMF's Right Whale Conservation Plan which was submitted to NMFS on March 6, 2020, we proposed the future prohibition upon permit transfer of fishing with single traps in MA state waters by fishermen using a vessel 29' and longer. However, DMF subsequently introduced a modified version of this proposal, that would simply ban the use of fishing singles on vessels larger than 29' as part of a rule making package developed in December of 2020. This aspect of the state's proposal was not approved at the January 28, 2021 meeting of the Marine Fisheries Advisory Commission. DMF and the Commission received substantial opposition to the proposal from many lobstermen, especially those who fish in the OCC LMA and LMA 2 with small trap allocations and small- to medium-sized vessels. These lobstermen told DMF and the Commission that they have developed a business model that optimized safety and profits. Many fishermen responded to the agency's proposal with plans to purchase a smaller vessel to continue fishing single traps. The Commission concluded that the goal of further reducing vertical lines (if warranted in the future) should be accomplished through other means that would not compromise safety nor be easily subverted as noted. The Commission has created a subcommittee to study the issue and assist DMF to devise successful solutions.

**Seasonal Buoy Line Restricted Areas.** DMF supports many of the aspects of the Preferred Alternative (Alternative Two).

- We support the Massachusetts South Island Restricted Area in Alternative Two and are pleased that the agency is presenting this area as part of the Preferred Alternative. This area was identified by DMF as part of the proposed conservation plans submitted to NMFS last year and in our opinion encompasses an area that host large seasonal aggregations of whales based on the most recent sighting trends. Since 2010, although Cape Cod Bay has

been a persistent aggregations every winter/spring, right whales have demonstrated range shifts away from some traditional feeding grounds and a propensity to aggregate in new areas. Given the increased variability in right whale movement patterns we recommend that sightings data be evaluated every 3 years to ensure that all time-area closures adequately protect seasonal aggregations of whales.

- We would like to reaffirm the conservation benefits of the Massachusetts Bay Restricted Area Closure. This area seasonally hosts the largest aggregation of North Atlantic right whales in the world and serves as a critically important feeding area. This closure affects much of the Massachusetts inshore fishery, with a significant portion of our fleet losing the opportunity to fish in order to protect right whales. While this closure is important, and a necessary measure toward the recovery of right whales, it is critically important that the Service continue to include its benefit in all evaluations of risk reduction.
- We request that NMFS change their proposed measure to reflect that Massachusetts state waters portions of the MBRA will be closed through May 15. DMF will continue to use the authority of the Director to dynamically manage the Massachusetts Bay Restricted Area during the month of May. We will open the fishery in May if aerial surveillance demonstrates that right whales have left the area. The entire area would remain closed if whale aggregations persist. In the event that smaller number of whales remain in the MBRA, smaller portions of the area would remain closed when surveillance reveal 3 or more whales are present. DMF has enacted closure extensions in early May for four of the last six years when right whales have remained in Cape Cod Bay, and state regulations give the authority to the Director to keep areas closed under the authority of a declaration. DMF recently enacted new regulations that extend the closure in state waters from the MBRA up to the New Hampshire border. This area extension of the MBRA will be managed in the same manner.
- DMF agrees with the proposal to modify seasonal closures to allow fishing “without persistent buoy lines” but additional administrative process must be accomplished before this can be a successful fishery management strategy year-round. NMFS’ Exempted fishery permit process, NEPA analyses, and communication to fishermen using competing gears and other fishing fleets about “ropeless fishing” and the development of the technologies needs to be delineated before this can be widely implemented. We anticipate being able to provide you more advice about how to permit and manage “ropeless fishing” at the end of the year upon completion of the NFWF funded study (“Ropeless Fishing Gear Feasibility Study”), a 12-month project which will evaluate legal, regulatory, technological, and fishing challenges and opportunities of alternative lobster gear to reduce entanglements).

**Other Line Reduction.** DMF supports NMFS factoring in the expected buoy line reductions associated with the ongoing effort reduction plans of the ASMFC’s interstate lobster management plan in two lobster management zones (LMA 2 and LMA 3). The long-term reduction on buoy lines will be commensurate with trap allocation reductions.

**Weak Line.** DMF supports the adoption of weak line as a conservation management strategy. Since the inception of the Large Whale Take Reduction Team in 1996, a variety of proposals have been considered for break-away links or devices along the vertical line as a means to reduce risk of serious injuries and mortality. However, none were embraced due to concerns about operations safety for fishermen. Since

that time, however, research has been conducted on the appropriate breaking strength to reduce whale injuries, as well as work on potential weak insertions for buoy lines to achieve that breaking strength. The New England Aquarium's Amy Knowlton's research on rope breaking strength and entanglement severity appears to find a "sweet spot" with her conclusion that 72% of right whale serious injuries and mortalities could be eliminated if rope breaking strength was 1,700 lbs. or less. In addition, the South Shore Lobstermen's Association partnered with New England Aquarium and the Commonwealth of Massachusetts to test weak sleeve insertions for buoy lines that would break at 1,700 lbs. The success of those sleeves and the recent development of fully-formed reduced breaking strength rope make weak buoy lines a more operationally feasible conservation measure. In Massachusetts state waters, DMF is implementing a requirement for vertical lines to either be comprised of fully-formed 1,700 lb. breaking strength line or for lines stronger than 1,700 lbs., they must be equipped with weak insertions every 60 feet in the upper 75% of the line that breaks at 1,700 lbs. We believe this frequency of weak insertions offers a significantly precautionary measure to reduce entanglement severity and should be counted as a fully weak rope under the Take Reduction Plan. The Massachusetts plan would offer a significantly higher level of risk reduction from weak line than what is proposed under Alternative 2, where only 26% of buoy lines will be converted to fully weak rope.

**Weak Link Modification.** DMF supports removing the longstanding weak link requirement at the surface system as found in Alternative 3. The new 1,700 breaking strength buoy line proposals have introduced a new approach for breakaways. Moreover, there may be advantages to having the buoy remain affixed to any entangling ropes - at least temporarily:

- It could enhance disentanglement efforts if the disentanglement teams are better able to grab the entangling lines by tying on the trailing surface system;
- It could provide some level of drag that may contribute to the rope being pulled naturally off the whale;
- It could enhance the potential to better identify gear involved in entanglements. The most definitive gear identification information is inscribed onto the buoy which could further contribute to our understanding of where entanglements occur, a critical shortfall in the ongoing conservation efforts and will allow future regulations to be more surgical in time and space.

**Gear Marking.** DMF supports the modification of gear marking regulations to introduce state-specific colors and an increase in the number and area of marks on buoy lines. Gear is not retrieved and/or the fishery of origin or type of fishing gear is not known for most entanglements. It is imperative that the gear marking scheme eliminate any ambiguity in the possible determination of the jurisdiction and location where each entanglement occurred and the authority that licensed the gear. In the interest of achieving more granular data regarding where entanglements occur, we recommend that the Service consider a gear marking scheme that clearly differentiates gear set in state waters from gear set in federal waters. Ideally, the state-specific color should cover only those buoy lines that are actually set in state waters, or the additional mark for designating fishing in the EEZ be affixed more frequently in the buoy line than the current proposal of a single green mark in the upper portion of the buoy line. It will be critical to attribute any future entanglements to the jurisdiction where the gear was set. The rule as currently drafted could result in improper attribution to a state waters fishery if the single green mark is lost when the top of the buoy line is parted off. This ambiguity in marking could lead to the improper assignment of a future entanglement to the wrong jurisdiction (i.e. state vs. federal waters). If NMFS is interested in differentiating gear from different lobster management areas within federal waters, we suggest that it develop a unique LMA marking scheme for fisheries operating in federal waters. We acknowledge that having separate and distinct marking scheme for state and federal waters puts a

substantial burden on dual (state and federal) permit holders who regularly move gear between state and federal waters. Unfortunately, the increased burden associated with separate and non-ambiguous gear marking schemes in state and federal waters is necessary, especially in light of the fact that the draft Biological Opinion published in February of 2021 has an incidental take statement that only applies to fisheries prosecuted in federal waters. Accordingly, it is critical to ensure that a well thought-out distinct marking scheme be developed to accurately identify gear back to the jurisdiction where it was set. We recommend NMFS continue to consult its gear specialists and state representatives on the TRT before enacting a final regulation.

Thank you for the opportunity to comment and we look forward to future collaborations on these important matters.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel J. McKiernan".

Daniel J. McKiernan, Director

CC: Massachusetts Marine Fisheries Advisory Commission



# The Commonwealth of Massachusetts

## Division of Marine Fisheries

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Commissioner

DANIEL J. MCKIERNAN  
Director

### MEMORANDUM

**TO:** Daniel J. McKiernan, Director  
**FROM:** Jeff Kennedy, Shellfish Program Leader  
**DATE:** March 15, 2021  
**SUBJECT:** Reclassification of Three Bay System (Plymouth-Kingston-Duxbury)

As stated in the attached January 12, 2021 memo to Duxbury, Kingston, and Plymouth (DKP) municipal officials on the potential reclassification of shellfish growing areas classified as “Approved” to “Conditionally Approved” DMF has requested and now received the raw data from the June 2018 dye study.

As you know, FDA identified the Massachusetts DMF Growing Area Classification as having deficiencies in their Program Element Evaluation Reports (PEER) for 2016, 2017, and 2018. Having some program deficiencies is not unusual. Subsequently FDA identified 10 items as being in Non-Compliance with the NSSP as stated to the Executive Director of the Interstate Shellfish Sanitation Conference (ISSC). We have been addressing those ten program priorities systematically. Addressing the results and recommendations developed from the dye study is one of these items.

DMF is required to meet National Shellfish Sanitation Program (NSSP) Model Ordinance requirements when classifying shellfish growing areas around wastewater treatment plant (WWTP) outfalls. As a member and signatory of the ISSC, Massachusetts is committed to remaining in compliance and conformance of the NSSP. Were the Commonwealth to be cited in non-conformance, sanctions could be levied against the Commonwealth up to - and including - embagoing all bivalve shellfish exports in interstate trade. This would not be an area ban but rather state-wide for all molluscan shellfish.

Based on the results of the 4-day dye study of the Plymouth WWTP, recommendations for the classification downgrade of “Approved” areas to “Conditionally Approved” are being evaluated by DMF. Areas impacted by a downward classification from Approved to Conditionally Approved include CCB42.0, 43.1, 45.0 and 47.0. These areas would be conditioned on the operation of the Plymouth WWTP. Conditionally Approved areas would remain OPEN to the harvest of shellfish for direct human consumption but must close due to upsets in treatment at the WWTP. Growing areas currently classified Conditionally Approved based on season (CCB46.1) or rainfall (CCB43.3) will remain the same, with added conditions based on the performance of the Plymouth WWTP. In addition, the Prohibited zone within Plymouth Harbor would be

expanded at the harbor entrance. It's important to note that existing aquaculture grant sites in Plymouth lie outside of the new boundaries of the Prohibited area so they should not need to be moved.

A reclassification downgrade from "Approved" to "Conditionally Approved" would not impact the sale of shellfish harvested from these areas within the state or nationally. But a downgrade would preclude the sale of shellfish to the imminent new export markets with the European Union due to the terms of the agreement negotiated by the US State department.

### **Current Status**

In December through ISSC, I requested FDA to provide the June 2018 dye study results used in their recommendation to reclassify Approved waters within DKP. I received the data in the last week of February. Up to that time we had only received powerpoint presentations and a letter summarizing study results with FDA's classification recommendation. FDA has offered to assist in the analysis of results, asked to discuss the use of the results with DMF, and stated they expect DMF is committed to addressing critical public health issues identified from the study.

Since the first of this year DMF staff have been collecting and analyzing water samples collected from the wastewater treatment plant at specific locations in an effort to understand the treatment process. Specifically, samples are collected to characterize the influent, post treatment/pre-disinfection, and the effluent. These samples are analyzed for both male specific coliphage (MSC), a viral indicator, in our Newburyport Lab and recently for fecal coliform (FC) in our New Bedford Lab.

The purpose of this testing is to: 1) document fecal coliform concentrations with the expectation that levels may be lower than assumed or typical for wastewater treatment plants; 2) Calculate the coliform concentration reductions at each of the three stages: A) sewage entering the plant; B) treated/pre-disinfection processed wastewater; C) effluent released through the outfall. The goal is determine the proficiency of the plant (i.e. Is the facility a high performing treatment plant?) By substituting actual coliform concentration for an assumed level should allow a more realistic and reduced impact on the three-bay system by WWTP effluent.

By analyzing MSC collected in the same locations, we may be able to document discrepancies in the source and amount of MSC. Note that MSC is used as a viral indicator of human sewage but is also produced by wildlife. If the plant is discharging very low concentrations of MSC then it could be argued that MSC found in shellfish may not be human derived OR human derived from the treatment plant.

Currently, the raw data obtained from FDA is being plotted in GIS separately to calculate dilutions and time of travel for the numerous, multi-day tracks. This alone is helpful, but when combined with actual FC contributions should allow for the direct calculation of the Conditionally Approved / Approved area boundary. By April 2020 extensive dredging of Plymouth Harbor and approaches was completed by the US ACOE. DMF is working to obtain final dredged bathymetry for use in calculating dilutions.

In the meantime, we have met with DEP to discuss plant operations and gain insight into operations, routine performance, and challenges. Separately we have met with Plymouth officials and plant operators. A questionnaire has been submitted to Plymouth on plant operations to better understand daily operations, as well as historical performance and plant capabilities under upset conditions. We have been told to expect a response to this inquiry imminently.

Analysis of dye study results are needed and on-going but a preferable long-term solution is being considered by the Town of Plymouth in consultation with DEP. The Town is evaluating the elimination of their ocean outfall, directing all effluent to sand beds adjacent to the treatment plant for a land-based disposal solution. Elimination of the ocean outfall would be the best solution to negate the need to reclassify existing shellfish growing areas classified as "Approved." Eliminating the outfall eliminates the point source and the risk to public health. This change will require studies and a new permit and is likely at least 2 years away. I have also remained in contact with Interstate Shellfish Sanitation Conference (ISSC) Executive Director Keith Skiles on our progress. He has offered to attend a meeting (virtually) to explain conference workings, procedures, and FDA's role in the conference plus their role in evaluating state programs.

I'll keep you informed on our progress evaluating and analyzing the dye study data, supplementing it with updated bathymetry data from dredging, incorporating wastewater treatment plant sampling results, and our on-going discussions with the Town of Plymouth. In conclusion, a reclassification of some of the shellfish growing area in the DPK system is likely inevitable. However, the shellfish staff are working diligently to minimize the impacted areas as long as it can be done consistent with the model ordinance.



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Director

February 16, 2021

US Army Corps of Engineers, New York District  
Jacob K. Javits Federal Building  
New York, NY 10278-0090  
ATTN: Stephan A. Ryba, Chief, Regulatory Branch

Re: NAN-2020-01079-EME

Dear Mr. Ryba:

The Division of Marine Fisheries (MA DMF) has reviewed the Public Notice for the South Fork Wind, LLC's proposal to construct a windfarm, export cable, and operations/maintenance facility in BOEM Renewable Energy Lease Area OCS-A 0517 with an export cable landfall in the Town of East Hampton, New York. MA DMF recently submitted comments to BOEM in response to South Fork Wind's Draft Environmental Impact Statement (DEIS). We have attached a copy of that letter as it includes MA DMF's comments relevant to this Public Notice.

Questions regarding this review may be directed to Dr. John Logan or Dr. Kathryn Ford in our New Bedford office at [john.logan@mass.gov](mailto:john.logan@mass.gov) or [kathryn.ford@mass.gov](mailto:kathryn.ford@mass.gov).

Daniel J. McKiernan  
Director

cc: Melanie Gearon, Greg DeCelles, Orsted  
Sue Tuxbury, NOAA  
Julia Livermore, RIDEM  
Lisa Berry Engler, Robert Boeri, CZM  
Brian Hooker, BOEM  
Tim Timmerman, EPA  
Ronald Amidon, Richard Lehan, DFG  
Nils Bolgen, CEC  
Kathryn Ford, Mike Pol, Kelly Whitmore, Melanie Griffin, Steve Wilcox, Tracy Pugh, Eileen Feeney, John Logan, MA DMF



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Director

February 16, 2021

Program Manager  
Office of Renewable Energy Programs  
Bureau of Ocean Energy Management  
45600 Woodland Road, VAM-OREP  
Sterling, VA 20166

*Re: Comments on the DEIS for the South Fork Wind Farm Project*

The Division of Marine Fisheries (MA DMF) has reviewed the Draft Environmental Impact Statement (DEIS) for Deepwater Wind South Fork's (DWSF) South Fork Wind Farm (SFWF) and South Fork Export Cable (SFEC) project located in BOEM Renewable Energy Lease Number OCS-A 0517. The Proposed Action would include up to fifteen 6-12 MW wind turbine generators (WTGs) on monopile foundations and one offshore substation (OSS) that would occupy up to 355 acres of seabed surface. The Proposed Action design would orient WTGs within the lease area in north-south and east-west facing rows with WTGs spaced 1 nautical mile apart. The Proposed Action includes 21.4 miles of interarray cable buried to 4-6 feet and between 50 and 62 miles of one alternating current (AC) electric cable (34.5 or 66 kV) buried to 4-6 feet that would travel west from the Lease Area south of Block Island and reach landfall at either the Beach Lane or Hither Hills landing site on Long Island, New York. For areas where this target burial depth is not feasible, some form of armoring (fronded mattresses, rock bags, rock, or engineered concrete mattresses) would be employed for cable protection. The landfall and nearshore section of the SFEC is proposed to be installed using horizontal directional drilling (HDD) extending at least 650 feet from the mean high water line (MHWL) to at least 1,750 feet seaward of the MHWL. Seabed disturbance from the SFEC and associated anchoring is estimated to be 573 acres with up to 0.5 inches of sediment deposition from suspended sediment. Construction is planned to take 2 years (2021-2022). The conceptual decommissioning plan includes cutting the monopile foundations 15 feet below the seabed and removal of cables after 25 years. Environmental protection measures are also incorporated as part of the Proposed Action.

Two alternatives are also presented: the Vessel Transit Lane Alternative (Transit Alternative) and the Fisheries Habitat Impact Minimization Alternative (Habitat Alternative). The Transit Alternative includes a 4-nm-wide vessel transit lane, part of which overlaps the southern section of the lease area. This alternative requires using 12 MW turbines, and any of the original turbine locations that are in the transit lane would be eliminated. The Habitat Alternative "would require DWSF to exclude certain WTGs and associated cable locations within complex fisheries habitats should micrositing not be possible to maintain a uniform east-west and north-south grid of 1 ×

1-nm spacing between WTGs with diagonal transit lanes of at least 0.6 nm wide" (DEIS page 2-9).

MA DMF provided comments to the Notice of Intent (NOI) to Prepare an EIS for the South Fork Wind Farm dated November 19, 2018 identifying components to include in the DEIS. MA DMF attended public meetings held by BOEM and the USACE on February 9 and 11, 2021. Since the operation and maintenance facility and landfall of the export cable are not in Massachusetts, we will not comment on those aspects of the project. This review focuses on the Benthic Habitat, Essential Fish Habitat, Invertebrates, and Finfish; Navigation and Vessel Traffic; and Other Uses (Scientific research and surveys) sections of the DEIS. Following review of the DEIS, MA DMF provides the following comments.

#### Purpose and need

- The FEIS should clearly state its energy production goal and should use the fewest number of turbines to achieve that goal. As stated in the DEIS, "DWSF's goal is to fulfill its contractual commitments to Long Island Power Authority (LIPA) pursuant to a power purchase agreement executed in 2017." In the public meeting on February 11, 2021 BOEM stated that the proponent has a power purchase agreement for 130 MW.
  - The Proposed Action is for up to 15 turbines ranging in size from 6-12 MW. To achieve 130 MW, 11-21 turbines will be needed. There are 18 potential turbine locations of which no more than 15 would be occupied.

#### Preferred alternative

- MA DMF supports the Habitat Alternative. Turbines should be microsited or eliminated to avoid sensitive habitats including cod spawning areas.
- While MA DMF is supportive of the Habitat Alternative objectives, the DEIS does not clearly define micrositing procedures for avoiding sensitive habitats or what habitats would be deemed sensitive. How micrositing will be done and what thresholds and habitat classification will be used to determine when to move a turbine needs to be described in the FEIS.

#### Atlantic Cod

- For Atlantic cod, BOEM concludes that "Although local mortality could occur, BOEM does not anticipate population-level impacts. The Project could alter habitat during construction and operations but could restore the habitat after conceptual decommissioning" (page 4-2).
- An analysis of impacts to cod is not presented in the DEIS. The SFWF overlaps with the only known Atlantic cod spawning aggregation in the Mid-Atlantic/Southern New England region. Cod exhibit site fidelity (Zemeckis et al. 2017), are sensitive to sound (Chapman and Hawkins 1973), and their spawning aggregations are sensitive to disturbance (Dean et al. 2012). There are important resource concerns in light of new information regarding potential noise impacts on cod spawning behavior (Stanley et al. 2017). Recent data also suggest that Gulf of Maine winter spawning fish mix in with this assemblage, so project impacts could also affect the Gulf of Maine fishery given transiting and mixing winter spawners in the lease area. The FEIS needs to address the timing of cod spawning activities, the location and extent of spawning aggregations, and

how these impacts will be avoided. A single year of spawning failure could have “irreversible” or “irretrievable” impacts (sensu DEIS section 4.2) to this distinct stock of cod which is only known to spawn on Cox Ledge.

- Construction impacts may be avoidable if pile-driving occurs outside of the spawning period, but the full spatial and temporal extent of cod spawning is still poorly established.
  - A potential mitigation measure is proposed in Table G-2: “No pile-driving activities would occur from January 1 to April 30.” Please clarify if this will prevent pile-driving during the cod spawning season using the most recent available monitoring data of cod distribution on Cox Ledge.
- Additional resources are available to assess potential impacts to cod through the Atlantic Cod Stock Structure Working Group.

### Invertebrates

- The FEIS needs to describe how both the invertebrate and benthic habitat data will be used for micrositing. The DEIS states that “detailed benthic habitat mapping is underway, and BOEM will work closely with NMFS during the EFH consultation process to quantify impacts to benthic habitat, which will then be used to analyze impacts to invertebrates. This analysis will be included in the EFH assessment and summarized in the FEIS” (page 3-8). The FEIS should identify how these assessments will be used for decision-making and micrositing.
- The DEIS characterizes lobsters as only using complex bottom types. While complex bottom is the preferred habitat, adult lobsters use all bottom types, especially in offshore waters. In addition, adult lobsters regularly traverse soft bottom types when making both localized and long-distance movements. It should also be noted that this area is part of the Southern New England lobster stock, which the 2020 stock assessment declared is depleted and requires significant management action to stop the decline in stock abundance. Any construction activities in regions where the stock remains may adversely affect an already significantly depleted stock and such impacts need to be better described in the FEIS.
- Information on Jonah crabs is also lacking in the DEIS. Seventy percent of the U.S. Jonah crab fishery comes from offshore soft sediment areas in NMFS area 537, which is the region where this and other wind farm development is proposed.
- Section 3.19 characterizes invertebrates as maturing quickly and consequently being less vulnerable to construction impacts. However, this characterization is not representative of many commercially-important invertebrate species in the project area including horseshoe crabs, whelk, Jonah crabs, and lobsters. More species-specific assessments are necessary to capture the diversity of life history strategies and potential project impacts among invertebrate species present in the project area.

### Sound and Light

- The impacts of sound on finfish are described for each alternative. However, the issue is not well-described comprehensively. Section 3.4.2.2.2 (Environmental consequences associated with the No Action alternative) describes potential impacts to black sea bass but not cod. Section 3.4.2.2.3 (Environmental consequences associated with the Proposed Action alternative) does not provide any species-specific information.

- Noise impacts to commercially-important invertebrate species are largely unknown, but should not be dismissed. Invertebrates possessing statoliths or similar pressure-sensing organs could be impacted by pile driving and other construction activities. Such potential impacts should be addressed in the FEIS.
- The text does not reflect the length of time pile driving is anticipated or the seasons. According to Table D-1, the Maximum-Case Scenario List of Parameter Specifications, up to 16 foundations (15 WTGs and 1 OSS maximum) will take 4 hours each to drive in (total of 60 hours). However, it is unclear whether multiple foundations will be installed simultaneously, whether work will be performed on a 24-hour schedule or only during daylight hours, and in what season the work will be conducted. Relatedly, it is unclear if other wind farms are expected to be using pile driving at the same time, which could further compound noise impacts. According to Tables E-3 and E-4, pages E-8 and E-13, Vineyard Wind 1, Revolution Wind, Sunrise Wind, U.S Wind, and Ocean Wind all have construction dates within a year of the Proposed Action.
- A more comprehensive description of the potential impacts of sound on finfishes and efficacy of mitigation measures is needed. Cod, in particular, should be included with a specific focus on potential impacts of sound on cod spawning behavior. Among mitigation measures, time of year restrictions and sound attenuation devices need to be better described.
- Additional information on potential light impacts on plankton, larvae, squid, and other light sensitive taxa should be developed in the FEIS.

#### Cables and EMF

- In our NOI letter we requested: “The impact of EMF on specific organisms, in particular flounders (winter, summer, and yellowtail), longfin inshore squid, Jonah crab, lobster, little skate, winter skate, Atlantic cod, and dogfish should be addressed specifically in the EIS.” Some of these species were addressed in Table 3.42-3 on page 3-23, but information is still lacking for several commercially-important species and should be part of the FEIS. The description of existing studies of EMF impacts does not include crustaceans. Several studies have been conducted to date on crustacean species (e.g., Love et al. 2015; Love et al. 2017; Scott et al. 2018), and should be included as part of the FEIS assessment of EMF impacts.
- In general, the DEIS could greatly improve its impact assessment by clearly identifying if studies have been done on cables of the same size and voltage as this cable. If results from such studies are not available (or such studies have not yet been performed), field measurements should be collected to validate EMF modeling that quantifies EMF minimization associated with burial and shielding. This work is necessary to verify the conclusions that 1) “within the range of natural electrical field effects generated by wave and current actions” (page 3-29) and 2) “EMF levels generated by this limits the potential for widespread behavioral effects on large numbers of individuals, so population-level EMF impacts on lobsters, crabs and other mobile invertebrate species are not anticipated. Therefore, effects to invertebrates from EMF are considered negligible” (page 3-27). In particular, demonstration that the shallowest proposed burial (4 feet) is adequate for limiting EMF exposure to the overlying benthic habitat is needed.
- There are several instances in the DEIS where a lack of evidence of EMF impacts is ambiguously described. For example, the DEIS states: “A review of the available

literature revealed no documented long-term impacts from EMFs on clam habitat as a result of the existing power cables connecting Nantucket Island to mainland Massachusetts" (page 3-12). Similarly, "There is no evidence to indicate that EMF from undersea AC power cables adversely affects commercially and recreationally important fish species within the southern New England area (CSA Ocean Sciences Inc. and Exponent 2019)" (page 3-93). Please clarify if impacts are not documented because studies were not conducted, or if available studies show no impact as the two causes would elicit opposite responses. The former would support a precautionary approach and the need for additional research while the latter would provide support for the proposed cable installation methods.

- There was no description of the required monitoring in areas where repairs are made. If repairs are made, monitoring should again be required on an annual basis for the first 3 years. Furthermore, the fisheries communication plan should include protocols for cable repairs. The fishing industry should be notified when areas of exposed cable are detected during the monitoring process but repair and burial cannot be accomplished immediately.

#### Water Circulation and Temperature

- The DEIS identifies potential hydrodynamic disturbance as "a topic of emerging concern" (p. 3-13) due to potential turbine impacts on the Mid-Atlantic Bight cold-pool. Given the ecosystem-level impacts of this potential alteration, this topic should receive greater attention in the FEIS. Water temperature should be closely monitored in and adjacent to the lease area to assess possible mixing of currently stratified waters and other potential thermal impacts.
- Additional information is also needed regarding possible impacts to larval distribution and settlement, particularly for sea scallops. Models of scallop larvae dispersal currently exist and could be adapted for this area. See, for example, Tian et al. (2009) and Cowles (2017).

#### Benthic Habitat

- We encourage BOEM to continue to address challenges with the benthic habitat descriptions and connections to essential fish habitat. BOEM and SFWF representatives, including Inspire Environmental scientists, have received funding to explore this issue in more detail.
- "Sand and muddy sand and mud and sandy mud areas are categorized under non-complex habitat because they do not include a substantial portion of coarse-grained sediment" (page 3-5). The FEIS should include an assessment of seabed energy and whether or not there are areas of active sand movement that could result in the uncovering of hard/complex seafloor features.
- Figure 3.4.2.1 contains important information on habitat classification within the Lease Area but is low resolution and difficult to read. MA DMF requests an ArcGIS geodatabase with the information in Figure 3.4.2.1.
- We recommend use of natural materials for cable protection.
- Table G-1 indicates the following environmental mitigation to protect sensitive seafloor habitats: "A plan for vessels would be developed prior to construction and used to identify no-anchor areas inside the maximum work area (MWA) to protect sensitive habitat or other areas to be avoided" (page G-3). Within the DEIS, one sensitive habitat is

identified, "squid spawning sites" (page 3-19). What are the others and how will they all be identified?

- Information regarding the distribution and temporal persistence of shellfish and longfin squid mops and their vulnerability to project activities should be provided in the FEIS.
- We recommend that the scour protection be sloped to its outer edge so there is no edge with the surrounding seafloor. Stone with a variety of sizes is recommended. Additional variety in grain size and porosity is beneficial for marine organisms. The method for placing scour protection has not been identified. The method should be accurate in its placement of material to minimize the extent to which the seafloor disturbed.

#### Impacts to fisheries & compensatory mitigation

- The FEIS should include feedback from fisheries representatives and liaisons to further characterize commercial fishing effort in the project area.
- Compensatory mitigation plans and commitments to compensating for lost gear should be described in the FEIS.
- Coordination with the fishing industry is required if any fixed gear will be removed along the cable route as part of the process of removing obstructions and debris prior to cable laying.
- The DEIS does not include descriptions or examples of how positional data are linked to landings and revenue. A further description of the Kirkpatrick et al. (2017) study in the FEIS would be beneficial.
- The final method for cable installation is not fully described, and we presume could include a period of time when cable is exposed on the seafloor. Such cable exposure will impact fishermen who will be unable to fish the area while the cable is exposed. Additional information clarifying the potential size and length of closure periods for the various cable laying methods (e.g., simultaneous lay and burial versus laying and then burying the cable), as well as how they will be communicated with fishermen, is needed.
- The DEIS states, "Most instances of interference can be mitigated through the proper use of radar gain controls" (page 3-91). This statement needs to be supported with references, and also needs an explanation of how proper use would occur.
- The description of the Northeast Multispecies (large-mesh) fishery (P. 3-70, Footnote 10, Section 3.5.1.1.1) does not include Atlantic wolffish (*Anarhichas lupus*), which is among the 13 species listed for this grouping (<https://www.fisheries.noaa.gov/species/northeast-multispecies-groundfish>). This should be revised in the FEIS.
- The for-hire recreational fishing section begins with a description of how charter boat captains were consulted to develop information on fisheries. This same information should also be provided for the commercial fisheries.
- Charter fishing effort is depicted as a heat map in Figure C-6 in only qualitative terms ("high" to "low" level of charter trips). This figure should define what "high" and "low" trip levels represent (e.g., number of trips per year).

#### Fouling

- The EIS should address the management of fouling communities on wind turbines and assess the risk of adverse impacts associated with the management of fouling.

### Data availability

- We requested in our NOI letter that “Acoustic bathymetric, seafloor maps, and habitat maps (including imagery and grain size data) should be available in a GIS-compatible manner in online viewers (e.g., Northeast Ocean Data Portal) and downloadable.” These data are needed to assess potential impacts and compare alternatives, and should be included in developing the FEIS.

### Scientific surveys

- The actual consequences associated with curtailing the federal surveys are not described. The extent of the impact is also not described. The NMFS bottom trawl survey provides critical information on the abundance, distribution, biology, and size structure of fish and invertebrate species throughout the Northeast and Mid-Atlantic. This time series of fisheries-independent data is utilized in the stock assessments of commercially and recreationally important species. The survey has been designed and carried out using a stratified random design since the 1960’s. Changes to the selection and distribution of survey stations could have profound implications for the survey results, and may lead to greater uncertainty within stock assessments.
- The FEIS should represent the full implication of the loss of trawl survey stations and a shift in its station selection process, including, for example, the number of survey stations that would be eliminated. Will construction activities be coincident with survey time frames, potentially adversely affecting fish behavior and the resulting quality of the surveys?
- The FEIS also needs to consistently identify this issue. In the DEIS, the Affected Environment section stated that “Scientific research and surveys are anticipated to continue at similar levels to the present” (page 3-159) yet also states, “scientific research and protected species surveys could be curtailed within the Lease Area” (page 3-164).
- Table G-2 presents “potential additional mitigation and monitoring measures,” including for impacts on scientific surveys. While we appreciate this matter being addressed and the several reasonable potential mitigation efforts, it is unclear what, if anything is being done to address the specific impacts to the federal surveys in this Project Area. This must be more clearly described in the FEIS.

### General

- All fisheries communication, fish and benthic monitoring plans, and scientific survey mitigation plans should be approved by NMFS prior to being implemented.

Questions regarding this review may be directed to Dr. John Logan or Dr. Kathryn Ford in our New Bedford office at [john.logan@mass.gov](mailto:john.logan@mass.gov) or [kathryn.ford@mass.gov](mailto:kathryn.ford@mass.gov).

Sincerely,



Daniel J. McKiernan  
Director

cc: Melanie Gearon, Greg DeCelles, Orsted  
Sue Tuxbury, NOAA  
Julia Livermore, RIDEM  
Lisa Berry Engler, Robert Boeri, CZM  
Brian Hooker, BOEM  
Tim Timmerman, EPA  
Ronald Amidon, Richard Lehan, DFG  
Nils Bolgen, CEC  
Kathryn Ford, Mike Pol, Kelly Whitmore, Melanie Griffin, Steve Wilcox, Tracy Pugh, Eileen Feeney, John Logan, MA DMF

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March 12, 2021

Paul Doremus  
Acting Assistant Administrator for Fisheries  
National Marine Fisheries Service  
1315 East-West Highway  
Room 14636  
Silver Spring, MD 20910  
ATTN: Kelly Denit

RE: Commonwealth of Massachusetts Nominations to the New England Fishery Management Council

Dear Mr. Doremus:

I am submitting four (4) individuals as nominees for the obligatory seat currently held by Dr. John Quinn of Dartmouth, MA and the at-large seat currently held by Mr. Vincent Balzano of Saco, ME on the New England Fishery Management Council (NEFMC). These seats will become vacant in August, 2021. Included are the completed application kits for the nominees.

My selections were made from a list of candidates who responded to the efforts of the Massachusetts Division of Marine Fisheries (DMF) to solicit interest in the NEFMC positions. Outreach included announcements over the Division's email distribution service, posting on the DMF website, and direct contact with potentially qualified candidates. Efforts were made to consider qualified women and minority candidates. Those whom I am nominating are eligible by reason of occupational or other experience, scientific expertise, or training, thereby making them knowledgeable and experienced in ways related to the fishery resources of New England.

For the obligatory seat currently held by Dr. John Quinn of Dartmouth, MA; I nominate in order of preference:

- **Michael Pierdinock (recreational sector)**
- **Jackie Odell (commercial sector)**
- **James Kendall (commercial sector)**

Candidate descriptions are listed below:

- **Michael Pierdinock (recreational sector).** Mr. Pierdinock of Plymouth, MA is a lifelong angler and recreational fisheries advocate. He is the owner/operator of the charter boat *Perseverance* that has targeted various inshore, offshore, and groundfish species since 2003. In addition to his successful charter boat business, Mr. Pierdinock actively participates on various committees, councils, and advisory panels that impact recreational anglers and the for-hire industry. Currently, he serves on the Massachusetts Marine Fisheries Advisory Commission (Vice Chair), Stellwagen Bank Charter Boat Association (President); U.S. ICCAT Advisory Committee; NMFS Atlantic Highly Migratory Species Advisory Panel; Responsible Offshore Science Alliance (ROSA), Executive Committee and Advisory Council; and NEFMC Recreational Advisory Panel. Mr. Pierdinock was a U.S. delegate at the annual ICCAT meetings in Morocco (2017), Croatia (2018), and virtually in 2020 due to Covid-19. He is also a regular contributor to industry magazines and radio shows, discussing the latest fishery management issues that impact recreational fishermen. Mr. Pierdinock seeks to bring his experiences as a charter boat captain and industry advisor at the state and federal level to the Council to assist in making sound management decisions that consider the economic and social impacts to all stakeholders.
- **Jackie Odell (commercial sector).** Ms. Odell is the Executive Director of the Northeast Seafood Coalition. She holds a Master's degree in Marine Affairs from the University of Rhode Island, and a Bachelor's degree in Biology and Environmental Studies from Providence College. Ms. Odell currently maintains several memberships including: Gloucester Fishing Community Preservation Fund, Member of Board of Directors; Northeast Sector Service Network, Member of Board of Directors; Massachusetts Fishermen's Partnership, Member of Board of Directors; New England Fishery Management Council, Vice Chair of the Groundfish Advisory Panel; NOAA Fisheries Harbor Porpoise Take Reduction Team, Industry Member; and the Responsible Offshore Development Alliance, Member. Ms. Odell's support of the Council process established by the MSA is rooted in a belief that utilizing data, sound science and comprehensive analyses are essential to the management decision-making process. Encouraging advancements in the science and evolving scientific methodologies is vital to ensure successful management measures.
- **James M. Kendall (commercial sector).** Mr. Kendall has been associated with the New England fisheries for over 50 years, 32 years as a commercial fisherman, and now for 27 years as an advocate and supporter of those fisheries and the people who remain dependent upon them. He has also been an avid recreational fisherman for at least as many years. He is the owner of a seafood consulting company and was the Executive Director of the New Bedford Seafood Coalition. He has over forty years of direct involvement with New England fishery issues having served on the Mass. Fishermen's Partnership: Executive Board Member, Past President (founder); Fishing Partnership Support Services: Executive Board Member; New Bedford Port Society, Board Member; Mass. Fisheries Institute, Board Member; and SMAST scallop & fisheries advisory board as a member. Most recently Mr. Kendall has served as a fisheries liaison for the offshore

wind developer Vineyard Wind. He has demonstrated a strong commitment to the fishing industry in New England.

For the at-large seat currently held by Vincent Balzano of Saco, ME; I nominate in order of preference:

- **Jackie Odell (commercial sector)**
- **Michael Pierdinock (recreational sector)**
- **Peter Seminara (recreational sector)**

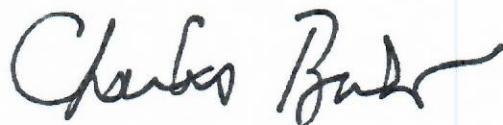
Candidate descriptions are listed below:

- **Jackie Odell (commercial sector).** See above.
- **Michael Pierdinock (recreational sector).** See above.
- **Peter Seminara (other sector).** Mr. Seminara of Rockport, MA is the shellfish constable for the City of Gloucester where he manages the shellfish fishery. Peter holds a Bachelor's degree in environmental studies from Eckerd College, and has been involved in local recreational and commercial fisheries since 1994. Overall, he has twenty-one years of experience in commercial fisheries and over 30 years of experience recreational and charter fisheries. He is a member of the Massachusetts Lobster Association and the Massachusetts Shellfish Officer's Association. He also serves on the Massachusetts Shellfish Initiative Taskforce as a proxy for Mayor Sefatia Romeo-Theken. He seeks to maintain sustainable fisheries to protect the marine ecosystem as well as continuing to provide employment for thousands of commercial and charter fishermen in New England through fisheries management, utilizing science, education, outreach, and experience.

Through DMF, I have consulted with representatives of the commercial and recreational fishing interests of the Commonwealth regarding the nominees, including former members of the NEFMC and members of the Massachusetts Marine Fisheries Advisory Commission—a nine-member citizen advisory board, representing recreational and commercial fishing interest (including seafood dealers). Additionally, many unsolicited letters of support for some of the candidates were received.

Each of my nominees meets the requirements listed in Section 302(b)(2)(A) of the Magnuson-Stevens Act. All have convinced me of their commitment to improving fisheries management in New England and to assist the Council in rebuilding, maintaining, and managing the marine resources so important to the economic vitality of the Massachusetts fishing industry.

Sincerely,



Governor Charles D. Baker

cc: Kathleen A. Theoharides, Executive Office of Energy and Environmental Affairs  
Ronald S. Amidon, Department of Fish Game  
Daniel J. McKiernan, Division of Marine Fisheries