



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



CHARLES D. BAKER
Governor

KARYN E. POLITO
Lt. Governor

KATHLEEN A. THEOHARIDES
Secretary

RONALD S. AMIDON
Commissioner

DANIEL J. MCKIERNAN
Director

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Notice of Virtual Fall Omnibus Public Hearing: Regulatory Amendments Affecting Trap Fisheries, Mobile Gear Fishing Seasons, and Whelk Gauge Sizes

Under the provisions of G.L. c. 30A and pursuant to the authority found at G.L. c. 130 §§ 17A, 21, 80 and 104, the Division of Marine Fisheries (DMF) is taking public comment and holding a virtual public hearing on a series of proposed regulatory amendments to 322 CMR 4.00, 6.00, 7.00, 8.00, and 12.00 affecting commercial and recreational fisheries. Full text of the regulations may be found on [DMF's website](#) along with additional relevant background information. The proposals are as follows:

1. Electronic Tracking for Commercial Lobster and Jonah Crab Trap Fishery (322 CMR 7.11). Require that by May 1, 2023 commercial lobster permit holders with a federal lobster permit to fish traps install and have operational a cellular tracking device onboard the permitted fishing vessel. This proposed action is consistent with recently approved addenda to the Interstate Fishery Management Plans for American Lobster and Jonah Crab. Its purpose is to increase the resolution of spatial data collected and enhance the data available to address emerging marine spatial planning, protected species, and stock assessment challenges.
2. Protected Species Regulations for Commercial and Recreational Trap Fisheries (322 CMR 4.13, 6.02, and 12.00).
 - a. Adopt a regulatory provision allowing the Director to temporarily amend the opening of the May 16– October 31 recreational trap fishery based on the presence or absence of right whales in state waters. This provision already exists for commercial fixed gear closures.
 - b. Eliminate the requirement that commercial trap buoy lines be rigged with a weak link at the buoy. This follows a similar amendment to the federal Atlantic Large Whale Take Reduction Plan in 2022 and the 2021 state-wide implementation of weak rope and contrivance rules for commercial trap gear.
 - c. Improve the regulatory definition of the term “buoy line” to better clarify how commercial trap fishers are to comply with existing weak contrivance, buoy line diameter, and line buoyancy rules when fishing multiple trap trawls.
 - d. Enact housekeeping measures to update the purpose section of the protected species regulations and reformat the layout of these regulations in the CMR.
3. Area 1A Mobile Gear Open Fishing Season (322 CMR 4.06). Extend the season when mobile gear fishing is allowed off Rockport and Gloucester from February 1–March 31 to February 1–May 15. This will provide mobile gear fishers additional access to sea scallop fishing opportunities at times and in places where fixed gear closures are anticipated thereby reducing potential gear conflicts.
4. Whelk Minimum Gauge Size (322 CMR 6.21). Delay the gauge increase schedule for whelks by having the 1/8” gauge increases occur every third year rather than biennially until a terminal

gauge size of 3 5/8” is reached. This proposal responds to a petition submitted by the Massachusetts Conch Association.

5. Housekeeping (322 CMR 4.00, 6.00, 7.00 and 8.00). Eliminate the term “grandfather”; replace the term “fisherman” with “fisher”; update or delete out-of-date or misprinted regulatory references and provisions; and reorganize regulatory sections.

Public Hearing and Comment Schedule

DMF will host a virtual public hearing on November 3, 2022 at 6PM to take comment on the above described draft regulations. Please register for the hearing at: <https://bit.ly/3fyT1OQ>.

DMF will also accept written public comment through 5PM on Friday, November 11, 2022. Submit written comments to Director Daniel McKiernan by e-mail (marine.fish@mass.gov) or post (251 Causeway Street, Suite 400, Boston, MA 02114). For more information visit DMF’s website at www.mass.gov/marinefisheries.