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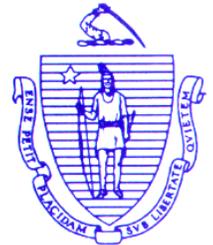
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Marine Fisheries Advisory

EMERGENCY REGULATIONS AFFECTING COMMERCIAL AND RECREATIONAL POT GEAR FISHERMEN

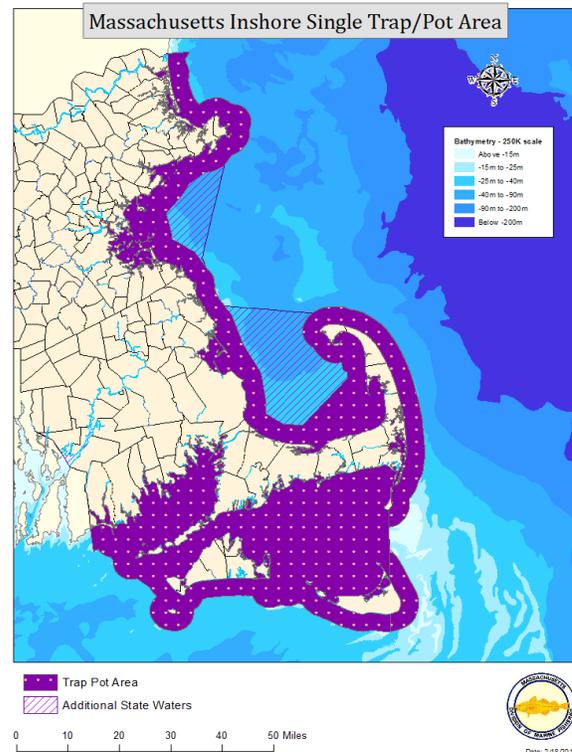
The Division of Marine Fisheries (*Marine Fisheries*) has filed emergency regulations that affect recreational lobster and crab fishermen, commercial lobster and crab fishermen and the configuration of trap/pot gear. These regulations are effective immediately. A [public hearing](#) on these emergency regulations will be held at 12:30 PM on Saturday, January 23, 2016 at the Sea Crest Beach Hotel, 350 Quaker Road, North Falmouth, MA. The details of the emergency regulations are described below.

Commercial and Recreational Pot Gear Configuration Rules

In the summer of 2015, the National Marine Fisheries Service amended the Atlantic Large Whale Take Reduction Plan to adjust certain commercial trap/pot gear configuration rules to reduce the risk of injury and mortality associated with whales becoming entangled in vertical. All commercial trap/pot fishermen, regardless of whether they are state or federally permitted, are already subject to these federal rules. To improve education, enforcement and compliance, *Marine Fisheries* has moved forward with emergency regulations that complement the federal rules. The new state rules do not differ from existing federal requirements, except that the state has extended applicable rules to recreational trap fishermen, as well as commercial trap/pot fishermen. As a reminder, recreational trap fishermen must continue to mark their endlines with a 4-inch red mark midway on the buoy line.

New Regulations Affecting Use of Single Pots

- The use of single trap/pots is now prohibited in waters north of Cape Cod that are further than 3 miles from shore, except in an area of Billingsgate Shoal in eastern Cape Cod Bay. The area where fishermen can continue to set single trap/pots is now referred to as the Massachusetts Inshore Single Trap/Pot Area.
- All single trap/pots set within the Massachusetts Inshore Single Trap/Pot Area must have a specific endline marking requirement. This includes fish pots, conch pots and lobster traps.
 - All buoys affixed to all commercial trap/pots are to bare three 12-inch markings – one marking at the top, middle and bottom of each line. Each 12-inch marking is to feature a 6-inch **RED** marking and the remaining 6-inch marking is to be composed of a specific color related to the Lobster Conservation Management Area (LCMA) where the trap/pot is fished:
 - For LCMA1, the remaining 6-inch mark must be **WHITE**;
 - For LCMA2, the remaining 6-inch mark must be **BLACK**;



- For Outer Cape Cod (OCC) LCMA, the remaining 6-inch mark must be **YELLOW**.
- While this endline marking requirement is specific to an LCMA, it applies to fish pot and conch pot fishermen as well as commercial lobster trap fishermen.
 - If the buoy line is the same color as the required marking, then a **WHITE** mark may be substituted for that color code.
- The endline is prohibited from exceeding a diameter greater than 3/8-inch.

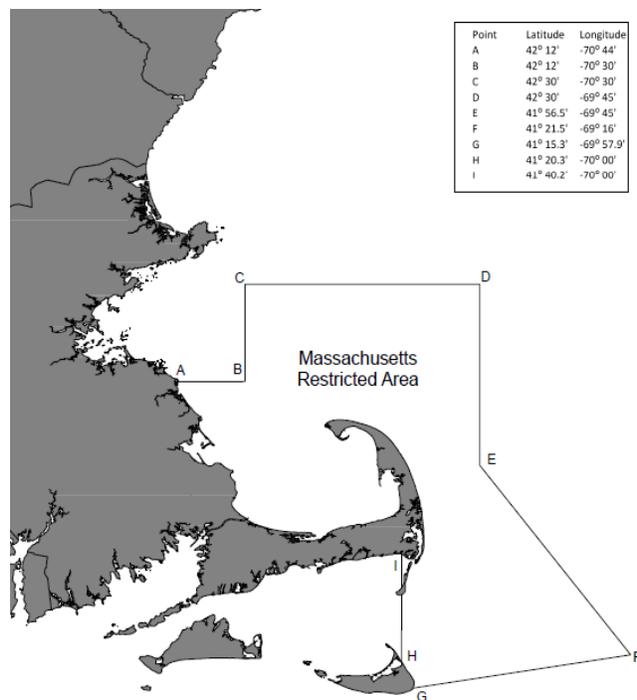
New Regulations Affecting Trawls

- All buoy lines affixed to trap/pot trawls are to bare three 12-inch markings - one marking at the top, middle and bottom of the line. For LCMA1, LCMA2 and OCCLCMA the 12-inch marking must be **RED**. For LCMA3, the 12-inch marking must be **BLACK**. If the buoy line is the same color as the required marking, then a **WHITE** mark may be substituted for that color code. While this endline marking requirement is specific to an LCMA, it applies to fish pot and conch pot fishermen, as well as commercial lobster trap fishermen.
- For pot trawls featuring two or three pots/traps (doubles or triples), only one buoy line may be used.
- For pot trawls feature four or more pots/traps, two buoy lines may be used.

Haul-Out Period for Recreational Lobstermen

All recreational lobster and crab permit holders are now subject the Massachusetts Large Whale Seasonal Trap Gear Closure Area (right). During the period of February 1st – April 30th, their trap gear must be removed from the described closure area. This requirement is expected to reduce the risk of endangered right whales becoming entangled in trap gear set and/or abandoned by recreational trap fishermen. Commercial trap/pot fishermen are already subject to this seasonal closure through the federal Atlantic Large Whale Take Reduction Plan and complementary state rules.

In the spring of 2015, there were reports of recreational fishermen setting their traps in the vicinity of right whales. This raised concerns that this activity was increasing the risk of these endangered whales becoming injured or killed through entanglement with the gear’s endlines. Also, by requiring all trap gear be hauled out of the closure area, DMF can more effectively and efficiently identify abandoned trap gear. This action enhances whale protection addresses entanglement risk of lost gear and the accumulation of marine debris.



Cancer Crab Regulations

In 2015, the Atlantic States Marine Fisheries Commission (ASMFC) approved the first ever fishery management plan (FMP) for Jonah crabs (*Cancer borealis*). In recent years, as the abundance of the Southern New England lobster stock has declined, the Jonah crab fishery has increased in landings, value and importance. This FMP was adopted to address concerns about the long term sustainability of the resource and the potential for the development of an unregulated trap fishery in federal waters. Accordingly, *Marine Fisheries* has adopted the provisions set forth in the FMP as emergency regulations. However, Jonah crabs are difficult to differentiate from rock crabs (*Cancer irroratus*), so to improve enforcement and compliance, these emergency regulations apply to both of these species (“cancer crabs”).

The following rules governing the take, possession and landing of cancer crabs are now in place:

- As required by existing state law, a commercial lobster permit must be held to commercially fish for, possess or land cancer crabs.

- All traps set by commercial lobster trap fishermen to take cancer crabs must conform to the existing lobster traps configuration and protected species rules, lobster trap tag rules, and lobster trap allocation regulations.
- While there is not a trip limit on cancer crabs caught by commercial lobster trap fishermen, non-trap commercial lobster permit holders are limited to 200 cancer crabs per day or 500 cancer crabs on a multi-day trip.
- Commercial fishermen and dealers are prohibited from possessing any cancer crab with a carapace width that is less than 4 ¾”.
- It is unlawful for any person to possess at-sea or land any cancer crabs parts. Only whole crabs may be landed.
- The possession of egg bearing female cancer crabs is prohibited, as is an action that forcibly removes or attempts to remove eggs from an egg bearing female cancer crab.
- There is a recreational possession limit of 50 crabs per day.
- Per state law, a recreational lobster and crab permit is required to take crabs by traps. The recreational harvest of crabs by other methods does not require a permit.

LMA2 Trap Allocation Reduction and Trap Transfers

To address the depletion of the Southern New England lobster stock, the ASMFC adopted Addendum XXI to the American Lobster FMP. This Addendum required trap allocations in LMA2 to be reduced by nearly 50% over a 6-year schedule. The initial reduction would be a 25% cut for fishing year 2016. Then there would be an annual reduction of 5% over the next five-years (2017-2021). *Marine Fisheries* has now established this trap allocation reduction schedule by regulation; adjustments to trap allocations will be executed when LMA2 endorsed commercial lobster permits are renewed and trap tags issued for 2016.

However, to lobster permit holders’ desires to obtain trap allocation to mitigate the effects of the cuts, *Marine Fisheries* has liberalized its permit and trap allocation transfer rules. Commercial coastal lobster permit holders endorsed for LMA2 may now be issued multiple permits and aggregate trap allocations in excess of 800 traps. It remains illegal for coastal lobster permit holders to fish more than one coastal lobster permit or set or fish more than 800 traps.