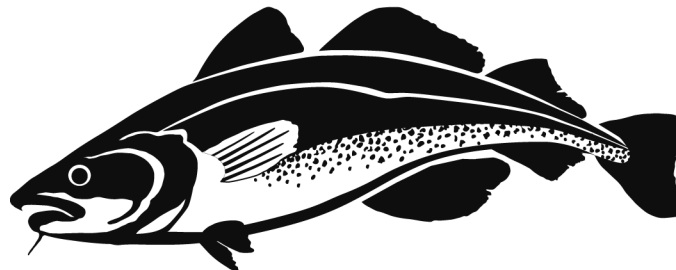


**Public Hearing:**  
**Atlantic Mackerel Management, Tautog**  
**Recreational Slot Limit, Shortfin Mako**  
**Prohibition, and Groundfish Maximum Retention**

**6PM**  
**November 1, 2022**  
**Virtually Via Zoom**

**MarineFisheries**  
Commonwealth of Massachusetts



# Public Hearing and Comment

Under the provisions of M.G.L. c. 30A, and pursuant to the authorities found at M.G.L. c. 130 §§ 17A, 21, 80 and 104, the Division of Marine Fisheries (DMF) is taking public comment and holding public hearings on proposed amendments to regulations at 322 CMR 4.00, 6.00, 7.00 and 8.00 affecting Atlantic mackerel management, recreational tautog size limits, a shortfin mako prohibition, and groundfish maximum retention.

Written public comment will be accepted through Friday, November 11, 2022. Please send written public comment via e-mail to [marine.fish@mass.gov](mailto:marine.fish@mass.gov) or by post to the attention of Director McKiernan at 251 Causeway Street, Suite 400, Boston, MA 02114.



# Virtual Rules of Engagement

- Purpose of the hearing is to afford interested parties an opportunity to submit data, opinions, comments, or arguments on the specific amendments being proposed, or to offer how the proposed amendment can be changed to minimize the impact on those affected while still achieving goals.
- Comments on matters outside of the scope of the specific amendments being proposed will be accommodated upon the conclusion of the hearing if time permits.
- All members of the public will be muted throughout the presentation. At the conclusion of the presentation, DMF will first accept clarifying questions regarding the proposals, and then once all the questions are addressed, DMF will invite public comment on the various proposals.
- The written “chat” and “question and answer” functions have been disabled. DMF will respond to verbal questions at the end of the hearing. Additionally, you can follow up with DMF staff after the hearing by e-mail ([marine.fish@mass.gov](mailto:marine.fish@mass.gov)).
- When participating in the question and comment forums, the public is required to use the raise hand function. This creates a queue and DMF will recognize and unmute individuals when it is their turn to speak. Individuals will be provided three (3) minutes for questions and comments per hearing item. Follow-up comments may be allowed after all other persons have had an opportunity to speak.
- It is not necessary for you to provide verbal comment during this public hearing. You may use this virtual hearing for informational purposes and submit written comments later. In fact, submitting written public comment is recommended.
- DMF prefers that written comment be submitted by e-mail ([marine.fish@mass.gov](mailto:marine.fish@mass.gov)). All written comment is to be submitted by November 11, 2022. Written comment will be shared with the MFAC in advance of the November 22, 2022 business meeting.
- This public hearing will be recorded, and questions and comments are part of the public record. The recording of the public hearing will also be posted to [DMF's YouTube Channel](#).



# Overview of Proposals

## Atlantic Mackerel Management (322 CMR 6.44 and 7.01).

- Adopt daily harvest limit of 20-fish per recreational angler.
- Establish a new commercial regulated fishery permit endorsement for Atlantic mackerel.

## Recreational Tautog Size Limits (322 CMR 6.40).

- Adopt a 16" to 21" recreational slot limit for tautog.
- Allow each angler to retain one trophy fish exceeding 21" per calendar day.

Shortfin Mako Prohibition (322 CMR 6.37). Prohibit retention, possession and landing of shortfin mako within the waters under the jurisdiction of the Commonwealth.

Groundfish Maximum Retention (322 CMR 6.03). Establish a regulatory framework to accommodate the possession and landing of non-conforming sized groundfish taken by federal permit holders participating in the maximum retention electronic monitoring program.

## Housekeeping (322 CMR 4.00, 6.00, 7.00, and 8.00).

- Eliminate term "grandfather" from DMF regulations.
- Replace term "fisherman" with "fisher".
- Update and delete out-of-date or misprinted terms.
- Reorganize regulatory provisions.



# Timeline for Rule Making

**Nov 1 – Public Hearing**

**Nov 11 – Close Public Comment Period**

**Nov 18 – Final Recommendation to MFAC**

**Nov 22 – MFAC Final Review and Vote**

**Nov 23 through Jan 5 – Executive Review**

**Jan 6 – Promulgate Final Regulations**



# Atlantic Mackerel Management

## Proposal:

- Adopt a 20-fish recreational limit for mackerel.
- Limit will apply as a per angler harvest limit and a per angler possession limit while fishing.
- Exempt holding of mackerel in a freezer, fish car, or shore-based bait well.

## Background:

- 2021 stock assessment shows species is overfished with overfishing occurring and prior rebuilding plan was unlikely to rebuild stock within decade.
- MAFMC approved a second rebuilding plan to address 2021 stock assessment findings.
- Rebuilding plan contained a 20-fish recreational possession limit for federal waters.



Source: [www.thefisherman.com](http://www.thefisherman.com)

## Rationale:

- Under MSA, states are expected to adopt complementary measures for state-water fisheries.
- Harvest in MA (and other northeast states) occurs principally in state waters.

# Atlantic Mackerel Permitting

## Proposal:

- Establish a commercial regulated fishery permit endorsement for Atlantic mackerel.

## Rationale:

- Permit will allow for differentiation between commercial and recreational fishing activity
- Allows for commercial permit holders to not be regulated by recreational catch limits.

## Additional Information

- Endorsement will be open entry and may be added to a commercial fishing permit.
- Endorsement fees: \$30 resident and \$60 non-resident.
- Permitted commercial anglers may retain, possess, and land mackerel in excess of recreational limit when commercially fishing for mackerel or other species (e.g., striped bass).
- Commercial anglers may not mix commercial and recreational trips (e.g., can't commercially fish for mackerel when recreationally striped bass fishing).





# Tautog Recreational Slot Limit

## Proposal:

- Establish a recreational slot limit of 16" to 21".
- Allow each angler to retain one trophy fish per day exceeding 21".

## Rationale:

- Will provide similar rules across MA and RI, consistent with Interstate FMP objective.
- May restrict eastward movement of anglers targeting large tautog.
- Will likely have limited impact on current fishing activity in MA but may contribute to increase in larger, older fish in population over time.

## Background and Additional Info:

- DMF trawl survey length/weight data indicate 21" tautog weigh about 7 lb.
- Frequency of catch of trophy sized fish is likely low.
- MA-RI regional stock is not overfished or experiencing overfishing (2020).
- RI adopted rule for 2022 in response to stakeholder petition and concern about increased effort and harvest.
- MA recreational possession limits vary by open season (between 1 and 5 fish).





# Prohibition on Shortfin Mako

## Proposal:

- Prohibit retention, possession, and landing of shortfin mako in Massachusetts' state waters, except when legally caught in federal waters.

## Rationale:

- Complies with new ASMFC requirement for a zero-retention limit in state waters.
- Provides for possible future federal waters harvest allowance to be landed in MA.



## Background and Additional Information:

- ICCAT determined all member countries need to reduce shortfin mako fishing mortality to accelerate rate of stock recovery and increase probability of rebuilding success.
- April 2022: NOAA Fisheries proposed a federal prohibition on shortfin mako retention with a process to allow harvest if authorized by ICCAT. Adopted as proposed in July.
- May 2022: ASMFC required states to adopt a zero retention limit in state waters once the expected federal waters prohibition was effective.
- Shortfin mako catch in Massachusetts state waters is negligible. Primarily caught in federal waters in association with fisheries that target tuna and tuna-like species. Federal permit holders held to most restrictive rules whether in state or federal waters.



# Groundfish Maximum Retention

## Proposal:

- Establish a regulatory framework for federally permitted fishers and dealers to possess, land, sell, purchase, and process non-conforming sized groundfish taken by vessels participating in the federal maximum retention electronic monitoring program.

## Background:

- NOAA Fisheries, New England states, and GMRI have conducted a multi-year experimental fishery to analyze the efficacy of a maximum retention electronic monitoring program for federal groundfish sector vessels.
- This exempted all participating vessels from minimum size standards and allowed for maximized retention of fish caught (e.g., haddock and redfish) and eliminated regulatory discarding.
- NEFMC approved the formal adoption of the maximum retention electronic monitoring program for federal groundfish sector vessels as part of Amendment 23. Implementation is currently pending final adoption by NOAA Fisheries.
- DMF has accommodated experimental fishery through Letter of Authorization to participating permit holders.
- With formal adoption at federal level, DMF seeks to create a consistent regulatory framework to allow this catch to be landed, possessed, sold, and processed in Massachusetts.



# Housekeeping

## Proposal:

- Eliminate term “grandfather” from regulatory code consistent with executive mandates.
- In sections affected by this rule making, replace the term “fisherman” or “fishermen” with gender neutral term “fisher”.
- Eliminate 322 CMR 8.08 and established as a reserved section, as requirements of section are redundant to existing provisions codified elsewhere in the CMR.
- Correct errors in language defining black sea bass pots and mobile gear exemption areas.
- Move buoy line marking rules for fixed gear from 322 CMR 4.00 (Fishing Gear) to 322 CMR 12.00 (Protected Species) and reorganize remaining aspects of amended sections at 322 CMR 4.00.



# Written Public Comment

Written public comment will be accepted through Friday, November 11, 2022.

Please address written comment to Director McKiernan and submit

- by e-mail to [marine.fish@mass.gov](mailto:marine.fish@mass.gov) (*preferred*) or
- by post to 251 Causeway Street, Suite 400, Boston, MA 02114

Recording of public hearings will be published on [DMF's YouTube Channel](#)

