



MASSACHUSETTS Division of Marine Fisheries

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DMF NEWS

Volume 17 Second Quarter

May - July 1997

DMF NEWS is published quarterly by the Massachusetts Division of Marine Fisheries to inform and educate its constituents on matters relating to the conservation and sustainable use of the Commonwealth's marine resources

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DMF honors Saltwater Derby winners

On March 15, 1997 DMF hosted an "evening of fishing champions" at the New England Aquarium _ a special ceremony held for the winners and their guests of the 1996 Massachusetts Saltwater Fishing Derby. Director Philip Coates presented awards to all 31 winners in attendance.

Each year from March 1 through November 30 DMF conducts the Derby open to all fishermen. Fish must meet certain weight standards, be caught on hook and line, and be measured at an official weigh station on a certified scale. At the end of each Derby year, awards are given to anglers who landed the heaviest fish in each species category. Winners

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are chosen in three divisions _ men, women, and junior (age 15 and younger).

The Massachusetts Saltwater Fishing Derby began in 1983 when DMF took over the former Governor's Cup awards from the Division of Tourism. Since that time, we have expanded the Derby year, added eight species to the list of fish eligible for an award, and began maintaining a list of state game fish records. Currently, nine state records are world records.

Awards for 1996 included an engraved silver-plated Paul Revere bowl and a distinctive print of seven fish species, signed by the artist John Rice. The print has been produced into a poster and can be seen at most derby weigh stations. Qualifying entrants in the 1996 derby also received a poster.

In addition to awards for heaviest fish, a new award was created this year for the most Skillful Skipper. This award is presented to the party or charter boat captain who puts his clients onto the most derby-winning fish. Captain Tom Lukegard, Jr., this year's Skillful Skipper, said he has been an advocate of the awards program ever since winning his first Governor's Cup at age 11. He enjoys seeing his clients receive recognition for their achievements.

Two new state records were set this year. Peter Bergin of Shrewsbury broke the blue shark record which stood since 1960. Mr. Bergin's fish weighed 454 lbs. An 8 lbs. 2 oz. winter flounder was taken by Thomas Hillebrand of Claremont, NH on July 12th. He broke the old record of 8 lbs. 1 oz. set in 1995. Eight species had no entries this year: blue marlin, bluefin tuna, halibut, black sea bass, swordfish, weakfish, white marlin, and yellowfin tuna.

One final note. Women and junior anglers please take note of the absence of winners for certain species in your divisions. See you next year? Contact DMF's Pocasset Office or your local tackle shop for details on the Massachusetts Saltwater Fishing Derby.

By Drew Kolek (Pocasset) Derby Coordinator

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1996 Saltwater Derby Winners

<u>Fish Species</u> (min entry wt)	<u>Division</u>	<u>Weight</u> (lbs-oz)	<u>Angler</u>	<u>Where Caught</u>
Bluefish (10 lbs.)	Men	18-13	Donald Ballou	Martha's Vineyard
	Women	16-12	Linda Whitten	Swampscott
	Junior	15-0	Chris Sterling	Cape Cod Bay
Blue Shark (150 lbs.)	Men	454-0	Peter Bergin	Fingers
Bonito (7 lbs.)	Men	12-5	Paul Bergeron	Martha's Vineyard
	Women	10-9	Jackie Capute	Hyannis
	Junior	9-0	Jason French	Horseshoe Shoal
Cod (25 lbs.)	Men	68-7	Jeff Phillips	Stellwagen Basin
	Women	35-4	Bridjo Quinlan	Stellwagen Bank
	Junior	37-6	Casey McCadden	Plymouth
Cusk (20 lbs.)	Men	31-2	Richard Hincman	Jeffreys Ledge
False Albacore (10 lbs.)	Men	11-6	Gary Carter	Martha's Vineyard
Fluke (5 lbs.)	Men	9-0	David Boynton	Buzzards Bay
Haddock (8 lbs.)	Men	16-8	George Stoddard	Stellwagen Bank
	Junior	8-14	BJ Korlawski	Tillies Basin
Mackerel (2 lbs.)	Men	2-7	Rick MacKinney	Newburyport
Mako Shark	Women	177-0	Eileen Kane	Atlantis Canyons

(100 lbs.)					
Pollock (20 lbs.)	Men	31-2	Richard Crane		Tilles Bank
Scup (3 lbs.)	Men	3-4	Jim Koutalakis		Hyannis
	Women	2-8	Mary Davies		Tire Reef
Striped bass (30 lbs.)	Men	53-8	Maurice Saucier		Martha's Vineyard
	Women	40-12	Marie Hessessey		Provincetown
	Junior	47-0	Ryan Hudson		Monomoy
Tautog (8 lbs.)	Men	11-6	John Gallager		Wareham
	Women	10-7	Alice Ames		Buzzards Bay
	Junior	9-2	Derek Redgate		Buzzards Bay
Winter Flounder (2 lbs.)	Men	8-2	Tom Hillebrand		Georges Bank
	Women	7-9	Mary Davies		Nantucket Sound
Wolffish (20 lbs.)	Men	40-8	Walter Gutzan		Stellwagen Bank
	Women	26-12	Carole Loiacona		Tilles Bank
	Junior	24-10	Jesse Rackliff		Jeffreys Ledge

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Big Gamefish Tournament Monitoring

The close proximity of Massachusetts to the cooler boreal waters in the Gulf of Maine and the warmer temperate waters south of Cape Cod attracts seasonal feeding aggregations of a variety of big game species. Extensive offshore fisheries for tunas, sharks, and marlin occur off our coast from June through October each year. Recreational anglers in private and chartered vessels travel miles offshore to catch bluefin, yellowfin, albacore, and bigeye tunas, blue, mako, and thresher sharks, and blue and white marlin. The highly migratory nature, large size, and long life span of these species render data acquisition and biological studies expensive and difficult to execute. However, since 1987, DMF Sportfisheries biologists have harnessed the efforts of tournament fishermen to learn about the species and size composition, basic biology, and relative abundance of big game species off our coast. Offshore fishing tournaments not only provide catch data and biological samples but estimates of effort which are often lacking for offshore recreational fisheries.

There are about five to nine offshore tournaments in Massachusetts annually with most located on the Cape and Islands. Some strictly target sharks while the majority offer prizes for a variety of species. All of the events self-impose minimum sizes and bag limits while promoting tag and release. Points can be garnered in most cases by weighing fish and by releasing them.

The number of tournaments held in Massachusetts fluctuates from year to year depending on the economic climate and nature of the fisheries. Nonetheless, traditional tournaments like the Nantucket Billfish Tournament (28 years), the Green Harbor Tuna Tournament (25 years), the Oak Bluffs Monster Shark Tournament (10 years), and the Falmouth Grand Prix (7 years) have evolved over the years to changing economies and shifting fisheries providing valuable time series data for the DMF Tournament Program.

Although tournament data have been traditionally used by several states and the federal government to monitor landings data in offshore recreational fisheries, the Massachusetts Tournament Program is unique. While most of these entities collect data on fish that are landed, the DMF program attempts to collect total catch data including fish that are boated, tagged, released, or lost. By working closely with tournament sponsors and tournament participants, DMF biologists assist in the development of the event and facilitate complete data collection.

From 1987 through 1996, DMF personnel collected data at 67 big game tournaments representing 3,136 boat hours of fishing effort. Over this period, 7,616 fish of 17 species were tallied by the Program. The dominant offshore species in the database was the blue shark representing 66% of the tournament catch. Other species in the catch included but

were not limited to: yellowfin tuna (12%), white marlin (8%), bluefin tuna (4%), albacore tuna (3%), and mako shark (3%). As expected, the number of fish released by tournament anglers during this period differed greatly by species, ranging from 41% for the albacore tuna to 96% for the blue shark. Overall, only 20% were boated, while 61% were released and 20% were tagged when released.

Annual estimates of catch-per-unit-effort (CPUE) can be calculated to show trends in fishing success. Drastic fluctuations in CPUE may be indicative of changes in regional fish abundance caused by corresponding changes in prey availability, fish population size, and/or environmental factors. For example, the 10-year CPUE trends for several tuna species, depicted in the figure, shows that the yellowfin index was strong in 1993 and 1994, peaked in 1995, and dropped out in 1996. Size composition data from weighed fish showed that the 1993 catch was represented by small one-year old yellowfin, while those in 1994 and 1995 were dominated by two-year old fish. Offshore observations by tournament anglers coupled with the analysis of satellite temperature images revealed that offshore waters on the traditional fishing grounds were much cooler in 1996 when compared to other years. This environmental feature is the probable cause of poor fishing success for this species in Massachusetts last year. Like the yellowfin tuna, the white marlin is a tropical species whose northern range extends to waters south of Cape Cod. The CPUE trend for this species shows a dramatic decline in 1996 as well due to lower offshore water temperatures.

Although bluefin tuna is well represented in New England, few tournaments now target this species. Last year was the first year in the time series that no giant bluefin tournaments were held in Massachusetts. Regulatory changes designed for effort control and accelerated catches in the General Category have made it difficult to schedule giant tuna tournaments. This is an unfortunate loss of a traditional component of the New England giant fishery and a data series that showed a clear increasing trend in CPUE over seven years of 100% coverage.

The CPUE trend represents only small bluefin caught during mixed species tournaments. These are primarily small school-sized fish released by tournament fishermen. CPUE indices are relatively constant over the 10 year period with the exception of those in 1990 and 1995. Again, size composition data from tournament participants show that these catches were dominated by one-year bluefin. These trends clearly show that 1990 and 1994 produced dominant year classes that moved through our offshore fishery.

The Massachusetts Sportfishing Tournament Monitoring Program also collects catch data at the month-long Martha's Vineyard Striped Bass and Bluefish Derby. These data allow for the delineation of trends in the inshore abundance of striped bass, bluefish, false albacore, and Atlantic bonito.

The comprehensive catch and effort data collected by the Tournament Program are forwarded annually to the National Marine Fisheries Service for inclusion in their national statistics. Well-founded fisheries management decisions must be based on a thorough understanding of the fisheries themselves. The Massachusetts Sportfishing Tournament Monitoring Program provides valuable information about our fisheries that contributes to such a foundation. Tournament organizers and those interested in additional information about the program should contact our Martha's Vineyard Sportfisheries Office.

By Greg Skomal (Martha's Vineyard) and Brad Chase (Gloucester)

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Upcoming 1997 Tournaments

June 21: 6th Annual Striped Bass Flyrod Catch and Release Tournament, Martha's Vineyard Rod & Gun Club, 508-627-3909

July 24-26: 11th Annual Oak Bluffs Monster Shark Tournament, Boston Big Game Fishing Club, 610-706-0301

July 31- Aug 23rd: Annual Scituate Invitational Shark Tournament, Nick Emord, 617-740-4514

Aug 3-8: 29th Annual Nantucket Billfish Tournament, Nantucket Angler's Club, 508-228-2299

August 14-16: 3rd Annual Shark's Landing Shootout, Shark's Landing Bait and Tackle, Oak Bluffs Harbor, 508-696-8272

August 21-23: 8th Annual Falmouth Grand Prix Noel Almeida, 508-888-0207

August 28-30: 4th Annual Fairhaven Shark Frenzy Boston Big Game Fishing Club, Seaport Inn 508-992-7985

Sept. 6-7: Atlantic Striper Classic Tournament Essex County Newspapers 1-800-537-7800

Sept. 11-13: Boston Whaler Owner's Tournament Dick's Bait and Tackle, New York Avenue Oak Bluffs, MA 02557, 508-693-7669

Sept.16-Oct.18: 52nd Annual Martha's Vineyard Striped Bass & Bluefish Derby, Box 2101, Edgartown, MA 02539, 508-627-8342

October 1-31: Octoberfish Larry's Tackle Shop, 141 Main Street Edgartown, MA 02539, 508-627-5088

***Note:** Dates subject to change. Double check with derby sponsors.

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Marine Resource Inventory in Salem Sound

During 1997, DMF Sportfisheries Biologists will team up with Salem Sound 2000, a local coalition of citizens interested in natural resource conservation, to inventory the marine resources of Salem Sound. The project will be a cooperative effort with assistance from Massachusetts Audubon, Salem State College, and local volunteers organized through Salem Sound 2000. Also, a grant was received from the DEP 104B (3) program to assist with the analysis of nutrient samples.

Salem Sound was last surveyed in 1967 as part of DMF's Estuarine Research Program that produced reports on 17 Massachusetts estuaries and embayments in the 1960s and 1970s. These reports still remain important references. The Program was a major contribution to the 1967 marine resource management study.

Why study Salem Sound again, 30 years later? Salem Sound provides many commercial and recreational opportunities in a highly populated region on the North Shore of Massachusetts. The harbors of Marblehead, Salem, Beverly, Manchester, and the Danvers River have an illustrious maritime tradition and continue to support important fishing and boating industries. These businesses and recreational activities depend on healthy marine resources. Concerns have been growing over the status of certain marine species and habitats in recent years. At the same time, interest in improving water and resource quality has been rising. Salem Sound was selected to address these issues and to serve as a pilot for evaluating future DMF efforts.

The study is well timed because: (1) additional financial resources will be available as the Watershed Initiative of the Massachusetts Department of Environmental Protection conducts the research and assessment phase of the North Coastal Basin in 1997; (2) much of the study will serve as a pre-operational baseline to the start-up of the South Essex Sewer District secondary sewerage treatment facility later in 1997; and (3) Salem Sound 2000 is primed to make a big contribution as they approach their celebratory year.

In the 1967 study, DMF conducted monthly seine and trawl net samples at selected locations in Salem Sound to document the status of fishery resources. This will be done again at most of the same locations with the same gear, although trawling frequency will be increased and alternative gears will be deployed.

The DMF Sportfisheries Program will lead the finfish sampling as well as enhanced water quality sampling. Basic water chemistry parameters will be measured during each location visit, and nutrient measurements will be made at three marine stations and six freshwater inputs to the sound.

Salem Sound 2000 will lead a scuba survey, shellfish sampling, and a citizen water quality monitoring program of the Sound's harbors from May to October. The scuba survey will involve many dedicated volunteer divers and offer much to the study by profiling benthic resources that may not be well represented in the seining or trawling. In addition, at least six associated projects will be conducted by local undergraduates on fish, invertebrate and marine algae samples collected during the course of the study.

Collectively, this is a very exciting cooperative effort that will put a tremendous amount of

information in the hands of local, state and federal resource managers and increase environmental awareness of citizens on the North Shore. Five months of sampling has been completed. So far, 25 species of finfish and 11 species of invertebrates have been identified in catches. Sampling will run through the calendar year of 1997 and a report will follow.

By Brad Chase (Gloucester)

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Sport Fish Restoration

Through the most effective "user-pays, user benefits" program in the nation - The Sport Fish Restoration Act - anglers and boaters provide vital financial support for state fisheries management, boating access, and other related programs. Originally passed in 1950 and strongly supported by anglers throughout the nation, the Dingell-Johnson/Sport Fish Restoration Act placed a 10% excise tax on fishing rods, reels, lures, fishing line, and related fishing equipment.

In 1984 Congress passed the Wallop-Breaux amendment to the Act, also widely supported by resource users, which included import duties on fishing equipment, yachts and a motorboat fuel tax. As a result of important partnerships formed during the 1984 amendments, each state now spends at least 12.5% of Sport Fish Restoration Funds on boating access.

Last year over \$200 million was apportioned to the states. Sport Fish Restoration funds are distributed depending upon the size of land and water area in the state and the number of licensed anglers, with no state receiving more than 5% or less than 1%. Massachusetts receives 1% which is shared evenly between its two state fisheries agencies, DMF and DFW. The Act also mandates that every three dollars collected under the taxes be matched by one dollar from state governments.

Much of DMF's work described later in this newsletter received principal financial support from the Sport Fish Restoration Act. This program provides a valuable investment in the maintenance and enhancement of our natural resources and the tremendous economic benefits they generate for the future. Please refer any detailed questions about the Act and how the Commonwealth benefits by it to Paul Diodati, Sport Fisheries Program Director, (617) 727-3193 ext. 364.

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DMF releases '97 Sportfish Guide

DMF's Sportfisheries Program has produced a new and improved version of its popular "Massachusetts Saltwater Sportfishing Guide." As in previous years, the guide contains current information on launching sites, tackle shops, charter and party boats, fish profiles, and fishing tournaments to assist you in enjoying our spectacular array of fishing opportunities from shore or by boat. We've arranged the guide information geographically starting from Salisbury (N.H. border) following the coastline south and west to the towns of Swansea, Somerset and Seekonk along Narragansett Bay. Then the guide takes you east to Cape Cod and the Islands. Look for the coastal map centerfold for orientation.

Of special note, this year we have new detailed color fish illustrations, and the guide has improved overall visually. Victor Young, an accomplished artist from New Hampshire, was commissioned to illustrate the 25 fish highlighted in our guide. To say the least, Victor has outdone himself. If you would like to receive a guide, visit one of our offices or field stations or write to DMF at 100 Cambridge St. Boston, 02202. The phone number is 617-727-3193.

by Karen Rypka (Pocasset) Guide Editor

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Striped bass bioenergetics and modelling

(The stripers are here...but what and how much will they eat?)

Resurgence of striped bass stocks along the east coast is well documented and undeniably is the most successful fishery recovery effort for any single species. Record numbers of these "opportunistic" predators have migrated northward this spring coming from as far south as North Carolina. Their trek brings them to summer feeding grounds which extend up into the Canadian maritimes.

"Opportunistic" implies that stripers will consume whatever prey they encounter, but undoubtedly they have preferences. A list of species found in the stomachs of striped bass would be a "who's who" of fish and invertebrates. There being enough food for this burgeoning population may be a legitimate concern for fishery managers.

For the past 15 years DMF biologists have studied striped bass growth among fish caught along Massachusetts and have noted an apparent decline in average weight at age. Likewise, the appearance of 'thin' fish in their catches has been reported repeatedly by striper fishermen in recent years. As a result, DMF's Sportfisheries Program will begin a long-term study this summer to address the issue of striped bass forage needs and the impacts of striped bass consumption on forage species. We expect this work to be ongoing for at least two years. The project will require strong collaborations with the federal fisheries agencies, fisheries agencies of other states, and universities.

We will collect information about striped bass diet and predator-prey relationships which we will use to develop a computer-based model that will help determine the current food needs of striped bass stocks. This field of study is commonly referred to as bioenergetics. Bioenergetics models, widely used in fisheries management and studies of fish ecology, are mathematical representations of energy balance: energy consumed by fish should equal energy spent on growth, respiration, and waste elimination. Since growth rates can be estimated from measuring fish, and respiration and waste elimination can be estimated from laboratory work, consumption requirements can then be calculated.

A rudimentary bioenergetics model for striped bass, including respiration and waste parameters, was developed by University of Maryland scientists a few years ago. However, no application of such models has been developed for the Atlantic coastwide striped bass population, mainly due to lack of diet data on striped bass. This DMF research project is designed to: (1) consolidate information derived by field samples with available data from published literature, and (2) build a bioenergetics model for the entire striped bass population. The model will allow us to estimate consumption rates of striped bass for any particular food item, such as river herring, menhaden, and even the commercially important lobster.

Furthermore, this project will clarify whether rapid population growth since 1989 and a possible scarcity of food is responsible for apparent decreases in weight-at-age. Both historic and present growth rates will be examined using data collected by DMF and fisheries agencies of other states. We expect growth rates in the past few years to be lower than rates in the mid-1980s.

By Dr. Xi Hi (Gloucester)

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Search for a better hook

This summer DMF Sportfisheries Program biologists from the Pocasset facility will be working on a rather unique research project using live striped bass as experimental subjects. This study entitled, "A comparison of catch and release mortality rates for striped bass between baited circle- and J-style hooks," will test the assumption that stripers caught on circle-style hooks are more likely to survive after being caught and released.

Striped bass catch-and-release fishing in Massachusetts is extremely popular due to high abundance and availability of stripers in our waters, a conservative bag limit, a relatively large minimum size, and a strong conservation ethic in our recreational fishing community. Nevertheless, it is a well-known fact that all released fish don't survive, so good estimates of release mortality rates are needed by fisheries managers.

Past studies on numerous species, including a DMF study on striped bass, found that the anatomical site of hooking (and wounding) is a major factor contributing to hook-and-release mortality. These studies suggested that hooking at potentially lethal sites (e.g. gills, esophagus, or stomach) occurs more frequently with baited hooks. Furthermore, baited-hook comparisons in experiments on cod showed that circle-hooks resulted in a higher proportion of jaw-hooked fish .

DMF, with the assistance of volunteer anglers, plans to use baited circle- and J-style hooks to capture stripers and release them into separate sea cages. After a 48-hour holding period, cages will be emptied, individual fish accounted for, the condition of each fish recorded, and the hooking site examined. Resulting data will be statistically analyzed to determine if fish captured on circle-hooks have a reduced mortality rate. Should the rate be significantly different, both fishermen and managers will have another device in their "tool box" to reduce waste in this valuable fishery.

by Paul Caruso (Pocasset)

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DMF builds new Middleboro fish ladder

More than one million alewives ascending the Nemasket River this spring encountered a newly designed and reconstructed fishway at the Wareham St. dam in Middleborough center. The existing fishway had deteriorated to the point where passage to the spawning grounds was on the verge of being blocked and the existence of the population, arguably the largest in the Commonwealth, was threatened. At the request of the Town of Middleborough, DMF's fishway construction crew completely redesigned and rebuilt the structure during the summer and fall of 1996, allowing the fish to pass the obstructing dam more quickly and with less stress.

Among the new features incorporated into the ladder are a relocated and reconfigured entrance, an extended exit section to accommodate an electric counter, widened and deepened resting pools which will handle more fish, adjustable wooden baffles which allow for operation in a wider range of water levels and a 10-foot wide bridge over the ladder which allows heavy equipment access to the far side of the structure. The new fishway is 6 feet wide and 160 feet long requiring 180 cubic yards of concrete.

DMF has been designing and constructing fishways since 1937 with the result that Massachusetts has more ladders, approximately 200, than any other Atlantic coastal state and has over 100 distinct river herring populations. Currently operating in a reconstruction and maintenance mode, the DMF construction crew is composed of a foreman and two laborers working under the supervision of a Senior Biologist. Fishway work scheduling is, in part, based on a priority list established during a survey conducted during the late 1960's. The purpose of the survey was to determine the anadromous fish development potential for every coastal stream in the Commonwealth. While the results of this work are important in determining which construction project will be taken on, the primary criteria is the availability of funding.

Funding for construction materials and contracting of heavy equipment if needed is provided by the owner of the obstructing dam or, as in most cases, by the town which contains the herring run. Since much of the cost in fishway construction is generated in design work, labor and profit realization, DMF can provide an extremely economic alternative to contracted work by utilizing simple, generic plans and providing labor, with no profit margins. The result is that many more ladders have been built or reconstructed than would otherwise be possible given the financial limitations of most towns.

In addition to constructing fishways, DMF has been encouraging volunteer groups to build prefabricated wooden Denil style ladders to be used in locations where spawning area size does not justify an expensive permanent structure. DMF provides generic plans, technical advice and assists in the installation at the site. Ladders of this type have been successfully utilized in the West Branch of the Westport River, the Parker River in Georgetown and a third is planned for the Three Mile River in Dighton.

The DMF construction crew provides another important service in developing and maintaining river herring populations. When access to a spawning area has been gained either through ladder construction or by some other means of eliminating an obstruction, the new site is stocked with adult herring collected from a well established population. The

offspring of these fish will be imprinted on the new spawning grounds and return as mature adults in three to five years. In order to maintain a continuity of year classes, stocking is typically carried on for four or five years. This system of creating and enhancing Massachusetts river herring populations has had a long history of success and has been used as a model for restoration programs in several other states.

By Ken Reback (Pocasset)

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Parker River Fishway Stewardship

The Parker River, which runs through the North Shore communities of Georgetown and Newbury, has long supported a spawning run of anadromous alewives. Mature alewives return each spring to the Parker in an effort to reach their spawning grounds in Pentucket Pond, Georgetown. To successfully reach Pentucket Pond, returning spawners must negotiate six dams by means of old deteriorating fishways. Most of the Parker River fishways, constructed in the 1930's with the aid of WPA funds, are now showing their age and the last upstream fishway located at the outlet of Pentucket Pd. was totally washed out in 1988.

Concerned sportsmen of the Essex County Sportsmans Association (ECSA) of Newburyport approached the Division to offer their help in cleaning, maintaining and assisting with fishway repairs. A formal Fishway Stewardship Program agreement between DMF, DFWELE Riverways Program, and ECSA was completed in 1994 and gave the North Shore its first official fishway "Stewards". The volunteer work provided in the past few years by this group of sportsmen is responsible for saving an alewife run on the verge of collapse due to deteriorated fishways.

This spring members of the ECSA built and installed a wooden Denil style ladder at the Pentucket Pond Dam. Utilizing plans provided by DMF, volunteers from the ECSA purchased materials with club funds and met at Charlie Eichers' workshop in Byfield on April 12th and constructed a wooden fish ladder. The following Sunday the group got together again and installed the ladder at the dam in Georgetown. Due to this volunteer project alewives have successfully reached Pentucket Pond to spawn.

DMF Sportfischeries Biologist Rusty Iwanowicz assisted with the construction and installation of the ladder and provided technical advice. DMF would like to thank the Essex County Sportsmans Association for a job well done and also extend a special thanks to volunteers Charlie Eicher, Fred Hanson, Tim & Costa Talas and Al Price.

By Rusty Iwanowicz, DMF Biologist, Gloucester

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DMF NEWS

EDITORS: Dan McKiernan & David Pierce

GRAPHICS: David Gabriel

DMF receives state and federal funds to conduct research, management and development of the Commonwealth's marine fishery resources. Information in this publication in alternative formats is available.

Philip G. Coates, Director, DMF
John C. Phillips, Comm'nr DFWELE
Trudy Coxe, Secretary, EOE
William F. Weld, Governor

Comments and suggestions for the newsletter are welcome. Please contact the Editors at (617) 727-3193, or write to DMF, 100 Cambridge St., Boston, MA 02202.

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Division of Marine Fisheries
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Division of Marine Fisheries

Rules UPDATE

Public Hearings / Regulations / Legislation

Volume 7 Number 2

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Notice of Public Hearings

Notice of Public Hearings

Scheduled for June 24, 25, and 26 1997

Under the provisions of G.L. c. 30A and pursuant to the authority found in G.L. c 130 ss. 17A, 80, 100A, and 104, the Marine Fisheries Commission has scheduled hearings on the following:

(1) DMF proposals to regulate groundfish to complement federal actions on the following:

(a) 1000 lbs. cod trip limit for any vessel fishing within state waters; and (b) Requirement that all vessels fishing for multispecies groundfish in state waters use only 6" diamond mesh (square mesh prohibited) to optimize escapement of winter flounder. This measure would be enacted once similar federal rules are adopted.

(2) DMF proposal to eliminate the pot limit regulation 322CMR 10.02(2) where fishermen who deploy both lobster pots and other fish or conch pots are limited to the pot limit of that fishery with the lowest limit.

(3) DMF proposal to cease the issuance of generic ("John Doe") striped bass special permits after 1997 to charters boat operators to cover the commercial bass fishing activities of their customers.

(4) DMF will solicit comments from the public regarding whether to allow the transfer of pot fishery permits for conch, scup, & sea bass. These are limited-entry fisheries with no current allowance for new entrants.

Public petitions also will be heard:

Petition from Massachusetts Commercial Fishermen's Assoc. to:

(a) Set aside areas for mobile gear access in Massachusetts and Cape Cod Bays, and (b) Modify the current mobile gear closure to allow trawling for scup in Nantucket Sound until midnight.

Petition from Massachusetts Coastal Conservation Association to reduce the bluefish recreational bag limit to 3 fish and enact a commercial bag limit of 100 lbs. plus one fish. These measures are proposed by CCA to address a decline of bluefish stocks.

Three hearings have been scheduled:

Tuesday, 7:00 p.m. June 24, Fuller School in Gloucester;
Wednesday 7:00 p.m. June 25, Mass. Maritime Academy, Buzzards Bay; and
Thursday June 26 at 1:00 p.m. at Tisbury Town Hall Martha's Vineyard.

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Regulatory UPDATE

During the period March - May, 1997, the following decisions were made by DMF and MFC.

Striped bass rule changes: To prevent "high-grading," the practice of discarding of legal-sized smaller bass (dead) when anglers catch a larger bass, it is unlawful for any fishermen to discard dead, legal-sized bass.

Recreational fishery: Minimum size limit dropped from 34" to 28" but the 1 fish bag limit maintained (despite the two fish daily limit allowed under the interstate bass plan). The 28" size limit is now consistent with rules in all neighboring states to our south extending to North Carolina. Anglers who travel north should take note that New Hampshire has maintained its 32" minimum size (with one fish per day) while Maine has adopted a 'slot limit' where one fish is allowed between 20" and 26" and a second fish is allowed if 40" or greater. Contact those states for details.

Commercial fishery: Similar to 1995 and 1996, the commercial quota of 750,000 lbs and the 34" minimum size will be maintained for 1997. Also the 3-week open, 1-week closed schedule will remain in effect. However, commercial season opening will be delayed until July 7. The Commission and DMF debated, but did not adopt, means of extending the season as well as the possibility of lowering the commercial minimum size to 28". Also, commercial fishermen engaged in commercial fishing for striped bass cannot possess fish less than 34," and when the number of fish aboard exceeds the number of permitted commercial anglers, then all fish in possession must be greater than 34". Fishermen are reminded that when engaged in commercial fishing operations, all persons aboard the boat must be properly permitted. Contact DMF for details.

Tautog recreational and commercial bag limits lowered. Recreational bag limit lowered from 8 to 6 fish and the commercial bag limit lowered from 50 to 40 fish.

Summer flounder (fluke): Recreational fishery: Recreational rules will change slightly this season effective June: minimum size will be increased from 14 to 14 «", the bag limit will be raised from 8 to 10 fish and the closed fishing season of November 1 - May 14 will be eliminated. We regret this late change that must be made for Massachusetts to be in compliance with the ASMFC/ Mid-Atl. Council summer flounder plan.

Commercial fishery: There will be no changes to this summer's fishery. On June 17, the trip limit will be raised from 100 to 300 lbs. The fishery is expected to close during August once the quota is filled. Options considered at the March public hearings to extend the season were not supported by the industry or by the Commission for the upcoming season

. **Scup:** DMF has implemented a requirement that all fishermen selling their scup must get a scup special permit. Dealers now must acquire written authorization from DMF to purchase scup from commercial fishermen. Commercial fishermen selling on consignment are considered dealers subject to DMF permit and reporting requirements. Commercial fishermen and dealers must report their scup catches and purchases to DMF according to the procedure already in place for summer flounder. These new rules and regulations are a consequence of Massachusetts having to be in compliance with the ASMFC/Mid Atlantic Council Scup Plan.

Right whale conservation rules temporarily suspended. Given the early departure of right whales from Cape Cod Bay, DMF enacted emergency regulations to suspend fixed gear rules in Cape Cod Bay on May 7. This action allowed the use of certain gear types nine days earlier than scheduled. Effective May 7, fishermen with appropriate permits and who fish in Cape Cod Bay Critical Habitat were allowed to set single pots, deploy surface and sink gillnets, and use floating line between pots in multi-pot trawls. This change will not be adopted as a permanent regulation so it will expire after 90 days. Consequently, next year the period when gear modifications are required in Critical Habitat will remain the same as this year January 1 through May 15.

Right whale conservation plan gear restrictions amended. The following changes were enacted to DMF's right whale regulations that affect recreational lobstermen as well as commercial lobstermen and gillnetters. Some of the proposed restrictions for fixed gear (lobster pots and gillnets) beyond May 15 and outside of Cape Cod Bay Critical Habitat were not adopted. DMF and MFC plan to await the results of the upcoming federal Large Whale Take Reduction Plan Regulations and adopt complementary measures. Lobster gear and gillnet modifications will be the subject of in-depth research, study, and debate in the months ahead as DMF and NMFS work with industry to find operationally sound, inexpensive, and enforceable gear modifications that minimize entanglement risk, so fishermen should expect changes to the gear restrictions in the future.

The following five actions were taken:

(1) Floating line west of Critical Habitat: Prohibition on the use of floating line during January 1 - May 15 west of the critical habitat (along the shores of Sagamore north to Scituate) has been repealed. Whales have not historically been sighted in this area, nor were they seen this past season by the various surveillance efforts (helicopter, airplane, research vessels). DMF will consider amending this rule in the future if surveillance reveals whales frequenting the area. DMF recognized fishermen's concerns about the need for floating line in this area that is primarily rocky habitat and the arguments that traps fitted with sinking lines between traps will become snagged and not retrievable. DMF will consider adopting rules complementary to the federal rules for those areas adjacent to Critical Habitat, when they are enacted later this year.

(2) Buoy lines construction (sinking line): The prohibition on use of floating line in buoy lines was amended. Floating line may be used on the bottom of the buoy line not to exceed one third of the total length of the line. Fishermen urged DMF to consider allowing a short section of floating line at the bottom of the buoy line to prevent buoy line chafing and/or wrapping around the trap during turns of the tide cycles.

(3) Experimental fishery permit process: Process established to allow fishermen to fish non-conforming gear for the purposes of developing and testing new gear designs that would reduce entanglement risk in critical habitat. The MFC requested DMF to allow fishermen who deploy pots in the few rocky areas of Cape Cod Bay Critical Habitat be given permission to test breakaway buoy lines on some single pots on an experimental basis.

(4) Proposal to require year-round sinking line: Proposal not enacted in Critical Habitat and other state waters from Cape Cod north to N.H. DMF, and the MFC awaits final rules for the federal Take Reduction Plan and will consider complementary rules, where appropriate.

(5) Proposal to limit the number of (300 ft.) sink gillnets allowed per fishermen to 80 and a maximum number of buoys deployed to 20 was not approved. Many gillnet permits are either idle or are being used by fishermen who are fishing far less than the limit of 80 nets. Furthermore, until DMF develops a tag system where nets can be

identified and counted, this measure would be unenforceable and would not likely result in a decrease in number of nets fished.

For more information, contact Dan McKiernan.

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COMMON QUESTIONS ABOUT STRIPED BASS COMMERCIAL PERMITTING AND SIZE LIMITS:

Q: *If I am fishing commercially and have harvested several fish for market (all 34 inches and greater in size), can I take one smaller bass (28 to 34 inches) home to eat?* **A:** No, once you exceed the recreational daily bag limit, your trip is considered to be a commercial activity and all fish in your possession must measure 34 inches or greater.

Q: *If I hold a (blue) commercial boat permit and a (pink) striped bass special permit, can I take some friends out fishing recreationally during the commercial striped bass fishing season and retain fish that are 28 inches and greater in length?* **A:** Yes, as long as no portion of your catch is sold and you do not exceed the recreational daily bag limit of one fish per person per day.

Q: *If I hold a (blue) commercial boat permit and a (pink) striped bass special permit but my wife (or friend) does not, can she accompany me on my boat while I fish commercially for striped bass?* **A:** No, if you are fishing commercially then all parties onboard must hold a striped bass special permit.

Q: *OK, I understand that my wife, as an adult, has the potential to be able to fish commercially, so I understand the need for her to be permitted. But can I bring my pre-teen kids with me on my commercial fishing trip?* **A:** Technically, no, but this is an example of when officer discretion would be employed if the kids were not fishing and were tots - not teens. The best advice is make sure everyone on the boat is permitted when fishing commercially.

Q. *But I fish commercially and I have a lot of friends who would like to go out with me, how can I accommodate them?* **A.** The best way is to fish recreationally, one fish per person at 28 inches or larger. Most commercial fishermen have a regular crew and they are covered by the boat permit/ bass permits requirement described above. Part of the problem with striped bass is that everyone (commercial and recreational) uses the same gear and prior to the relatively recent permitting changes it was impossible to distinguish between recreational and commercial fishermen. The new striped bass plan, with quotas and other requirements, necessitates the more rigorous permitting requirements.

Q. *If I buy only the (pink) striped bass special permit, can I legally exceed the recreational bag limit of one per day and not sell the fish?* **A.** No. Commercial anglers must be fishing under the authority of both a (blue) commercial permit and the (pink) striped bass special permit. Furthermore, the commercial permits should not be a means to allow recreational anglers to circumvent the one-fish per day limit. Rather, the permits are designed to enhance DMF's ability to account for bass caught and sold through commercial outlets. To-date, recreational fishermen have strongly supported the one fish per day limit.

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Fluke Quota System: Status Quo for 1998

Despite opposition from some states that have cried "foul" for four years about their inadequate shares of the summer flounder (fluke) national quota, the system will likely

remain in place. Federal public hearings were held last winter on a new amendment (#10) to the management plan that considered alternatives to the current system, but these were defeated both at the interstate (ASMFC Policy Board) level and at the federal level (Mid-Atlantic Council).

The issue has captured the attention of the New England governors who adopted a resolution urging that the annual state-by-state shares be abandoned. Also, the New England Fishery Management Council supported another quota approach, and it argued that many National Standards of the Sustainable Fisheries Act would be violated if the status quo was maintained.

Debate on the amendment created two camps within the interstate (ASMFC) Fluke Board: the have's, those states with large shares of the quota (such as North Carolina and Virginia), and the have-nots, states (i.e., Connecticut, New York, and Massachusetts) with inordinately small shares of the quota. Alternatives were offered in the Amendment, such as one that would create a national winter quota where federally-permitted fishermen from any state would compete openly in federal waters and a summer quota with percent shares to be allocated by states as they see fit.

Early in May, the ASMFC Fluke Board vigorously debated with the Council on this issue. Both groups decided to support the status quo, with Massachusetts adamantly opposed. There's arguments on both sides. Those demanding change have argued:

** It's unfair for certain states' (CT, MA, NY) fishermen to fish alongside other states' fishermen during the winter in federal waters, but to be subjected to low landing limits or prohibitions assigned by their home states.*

** The state-by-state quota approach for winter landings of fluke is divisive and causes states to promote their own individual interests at the expense of interstate, cooperative management of fluke.*

** Quotas and other restrictions of the last four years simply have not worked to reduce fishing mortality. Fishing mortality is still very high. Massachusetts and other states agreed to low percent shares anticipating that when fluke abundance was rebuilt, quotas would be increased ("a rising tide lifts all boats" logic). Surprisingly, the commercial quota for 1997 is actually less than the first quota set in 1993.*

Those states opposing change have argued:

** Without state-by-state quota shares, fishing will increase by fishermen from states that currently are restrained by low quota shares. Many New England vessels impacted by restrictive groundfish rules might shift to the fluke fishery if all states fishermen were allowed to operate on a level playing field during the winter. This does not happen now. For example, Massachusetts' small percent share of the annual commercial quota has forced DMF to allow landings of fluke during winter for only a few weeks.*

** Competition would increase in the winter fishery. Vessels with a small history of fluke fishing would join the crowded ranks of vessels already targeting fluke. Also, with significant increases in vessels, trip limits would be needed to slow down the catch, and low trip limits are unacceptable economically to the winter fishery that is prosecuted well offshore during multi-day trips.*

** Finally, many fluke fishermen in the Mid-Atlantic states have few other options. Unlike many New England trawlermen who also have days-at-sea allocations for scallops, many in the Mid-Atlantic have few groundfish days and no scallop days.*

The one dissenting New England state, Rhode Island receives a healthy 17% of the national quota, and argues that it has worked hard with their fishermen to make the state-by-state quota share system work for them. As a consequence, Rhode Island didn't want to take a chance on another approach that might be worse than the existing situation.

To our dissatisfaction, the Policy Board, on a close vote, recommended the Commission adopt Amendment 10 with the current state-by state quota system.

There was one positive development that might address long-standing concerns about our allocation being unfairly low caused by our conservative size limit (14") in place during the 1980's . The Policy Board agreed that an analysis was needed to determine what the quota shares would have been if all states had abided by the 1982 decision by ASMFC to set a 14" minimum size limit. The Board voted to "proceed immediately with an amendment to the Summer Flounder Fishery Management Plan that would address the allocation of the states' quota shares to be considered at the 1997 annual meeting..." This is a step in the right direction, although the analyses will be difficult to perform.

By David Pierce

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