



MASSACHUSETTS Division of Marine Fisheries

PAUL J. DIDDATI, DIRECTOR



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DMF NEWS

Volume 16 First Quarter

January - March 1996

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

Volume 16 First Quarter January - March 1996

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State to Promote Aquaculture

Aquaculture White Paper and Strategic Plan

Acceptance of a Massachusetts Aquaculture White Paper and Strategic Plan by Governor William F. Weld in September represented the culmination of an intensive planning effort by state and federal agencies, coastal communities and the aquaculture industry. The White Paper is a status report on aquaculture as it presently exists in Massachusetts. The Strategic Plan is a blueprint for development of a more viable aquaculture industry in the Commonwealth, primarily through streamlining the regulatory process, increasing

cooperation and communication between agencies, and creating a more positive business climate.

The Weld/Cellucci administration is committed to aquaculture development for several reasons. The growth of an environmentally friendly industry in balance with competing uses of our heavily developed coastal areas can create sustainable jobs at a time when the fishing industry and related support industries are losing them. It can provide locally-produced seafood to augment supplies of wild-harvest fisheries products inadequate to satisfy increasing demand and can create additional support for the maintenance of consistently high water quality.

Three main sections of the Strategic Plan _ regulatory reform, environmental concerns and economic development _ were prepared by working groups made up of experts from appropriate agencies and groups appointed by Secretary of Environmental Affairs Trudy Coxe. A larger steering committee, including representatives from the Governor's staff, the Legislature, all affected agencies, coastal communities, academia and the aquaculture and seafood industries, led by EOEA Undersecretary Leo Roy, provided oversight of the working groups and made final recommendations for action. The Office of Coastal Zone Management provided coordination and staff support, including Susan Snow-Cotter, who drafted the final manuscript.

Types of Aquaculture and Challenges

Aquaculture is the controlled cultivation and harvest of aquatic animals and plants. It includes land-based pond culture and fresh or salt water recirculating systems, coastal flow-through systems, bottom culture, line culture, and ocean cage or net pen culture. At the present time, although plans are being made to culture a variety of finfish, algae, and invertebrates, operating marine aquaculture in the Commonwealth is limited to shellfish _ primarily bottom culture of quahogs and oysters in 22 cities and towns. These are the simplest type of marine aquaculture projects and involves no input of feed or medication, no discharge, and minimal or no structures in the water column.

Another type is suspended culture of shellfish or algae, which involves lines or cages suspended in the water column from floating rafts or buoys or transient bottom cages buoyed at the surface. Suspended culture requires additional review because of potential interference with navigation and other competing uses. One large project growing bay scallops in suspended nets is operating now, and several projects involving transient bottom cages to grow sea scallops are in the developmental stages. All shellfish projects are licensed by cities and towns and may require permits from DMF, DEP and the Corps of Engineers.

The most complex projects are those involving both structure and discharge, including all marine finfish culture and others requiring feeding and medication or disinfection. Typically these projects are situated in buildings on shore or utilize offshore cage systems or net pens. The requirement for a joint discharge permit from DEP and EPA adds greatly to the application process, and these projects require much more environmental review and monitoring. Towns have no authority to license exclusive use of an area for finfish projects, and the only state program to lease public tidelands is under Chapter 91 (DEP). DMF may issue permits to possess or sell undersized regulated species, but not to allow exclusive use of an area.

Massachusetts has many marine areas suitable for aquaculture, but also some physical constraints to its development. Our coastline is heavily developed and supports a wide variety of recreational and commercial uses. Water temperatures are unsuitable for many cultured species, and ice is a problem during cold winters. Many of our coastal areas are also exposed requiring sophisticated mooring systems to withstand coastal storms.

Another limiting factor for the development of a marine aquaculture industry in Massachusetts is that the regulatory process is confusing and time-consuming, with overlapping, often obscure jurisdiction, no full time staff, and no single point of contact, even for information. Agencies with few specially trained or equipped staff are hard pressed to evaluate and monitor environmental impacts and user conflicts, or advise industry on siting priorities. Considerations include water quality, temperature, hydrography, habitat degradation, genetics, diseases, parasites, aesthetics, pre-existing competing uses, and jurisdiction (local, state and federal). Regulatory agencies have been forced to fit aquaculture into their existing programs, none of which are designed to address

aquaculture. DMF has attempted to address these concerns by adding to the duties of present staff. We have provided technical assistance to aquaculturists and coastal communities on an ad hoc basis, but we now realize that additional staff support will be necessary to support a growing industry, especially as it moves offshore. We have taken a conservative approach to prevent the spread of diseases, parasites and genetic variations, allow exotic species culture only under tightly controlled conditions and limit sources of shellfish seed to certified hatcheries in the Northeast. Some of these policies are unpopular, but are necessary to protect both aquaculture and wild fisheries resources.

The economics of aquaculture is also a constraint. Venture capital is difficult to attract in such a high-risk environment. The grower must fund the capital costs of equipment and stock and survive for several years before a profit is realized. During that period, of course, a natural disaster or disease might wipe out the whole operation - certainly not an investment for the faint-hearted. The availability of federal grants has increased the number of projects in the planning/application/pilot stages.

Plan Recommendations

The Strategic Plan includes 68 separate actions recommended by the working groups and Steering Committee to promote the development of aquaculture in the Commonwealth. These include short and long-term prioritized recommendations for change to be implemented over the next five years, as funding allows.

The table on page 3 provides examples of high-priority actions that directly affect DMF. These recommendations, if implemented in combination with the rest concerning economic development, funding, education, etc., will establish a more favorable climate for aquaculture development in Massachusetts.

Although aquaculture development will not, as some suggest, solve the problems facing the fishing industry at present, it will create some opportunities for employment, alternatives for some fishermen, and increase the supply of domestic seafood products.

Any large scale expansion of aquaculture probably will involve more offshore locations and high-tech systems than presently in use. Pilot projects raising native species will be encouraged at first and will be allowed to expand as we learn more about these operations.

For the right person _ part biologist, part engineer, and part businessman with access to capital _ prospects are exciting. Successful operations will be described in future DMF issues. Limited numbers of Plan executive summaries are available from CZM or DMF, and sources of funding for a second printing of the full plan are being explored.

Strategic Plan Recommendations that Affect DMF

Streamlining Regulations & Project Reviews

- Regulatory Streamlining _ Develop a standardized application and coordinated processing and review as soon as possible.
- Lead Regulatory Agency _ Establish DMF as the lead regulatory agency for marine aquaculture and hatcheries and develop a "one-stop" permit process.
- Standardization _ Provide towns with written guidance for issuance and administration of shellfish licenses, and, without compromising home rule, standardize shellfish licensing between towns to the extent possible.
- Interagency Aquaculture Permit Review Group _ Establish this group of state and federal agencies as a key to development of "one-stop" permitting through interagency cooperation and joint review of applications.
- Dedicated Staff _ To meet expanding need for services, fund full-time state agency staff including, at a minimum, an Aquaculture Specialist in DMF to carry out survey and monitoring responsibilities and an Aquaculture Coordinator in the Department of Agriculture to serve as a single point of contact.
- Aquaculture Coordination Team _ Establish an ACT, comprised of state agency personnel, to be responsible for policy development, industry support, oversight of regulatory streamlining and implementation of the Strategic Plan.
- Aquaculture Advisory Group _ Establish an advisory group, representing industry, conservation groups, the financial sector, landowners, municipal representatives, and academia, to advise the ACT.
- Pilot Projects _ Agencies should allow pilot projects to facilitate the development of

joint monitoring and coordinated review.

- Promotion and Marketing _ Establish the Department of Food and Agriculture as the lead agency for promotion and marketing.
- Chapter 130, Section 17B _ Amend this section to authorize DMF's Director to promulgate regulations concerning siting, operation, and monitoring of marine finfish aquaculture projects. DMF should develop a coordinated permit review process to incorporate concerns of other state and federal agencies. DMF's Director should have the authority to grant exclusive use of tidelands, provided the intent of Chapter 91 is incorporated in the review process.
- DMF policies _ Reassess policies on limited fisheries for elvers (juvenile eels), culture of non-native species, and develop a written policy on sources of shellfish seed for aquacultural purposes.

Funding

- Bond Monies _ Direct any state bond funds, appropriated for aquaculture from the Open Space Bond Bill, the
- Seaport Bond Bill and the Coastal Assessment Bill, toward Strategic Plan priorities.
- Increased fees _ At state and local level, increase fees to reflect the value of licenses and help pay costs of administration and monitoring. Use municipal fees for public propagation programs.
- DMF Resources _ Secure new funding to hire personnel dedicated to technical assistance, computer mapping, and regulatory support for aquaculture.

Local Management (Cities & Towns)

- Shellfish License Terms _ Improve license terms and standardize terms between towns to provide more
- predictability and stability.
- Municipal Shellfish Propagation Program _ Reinstate as a matching grant program, this popular state program reimbursing cities and towns for shellfish propagation.
- Public Tidelands _ Maintain and assert the state position that the boundary between public and private tidelands is mean low water, and seek an affirming decision by the Supreme Judicial Court.
- Town Shellfish Aquaculture Licenses _ Issue licenses for an initial term of five years and renewable for periods of 15 years, provided performance criteria are met and no unacceptable adverse impacts are noted. Licenses should be transferable unless performance criteria are not met.
- Aquaculture Zones _ Encourage municipalities to select large areas for pre-approval as aquaculture areas to streamline the review process. May be incorporated in harbor management plans.
- Restricted areas _ Begin a program by DMF to authorize towns to lease restricted areas as shellfish nursery areas.
- Statistical reporting _ Improve statistical reporting of aquacultural production.

by Jim Fair, Assistant Director

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Striped Bass Gamefish Petition

A petition to ban the Massachusetts commercial striped bass fishery and seafood buyers' access to wild striped bass has been submitted to DMF by the New England Coast Conservation Association (NECCA). NECCA's most visible petition supporter is the famous flyfishing outfitter, Orvis Co. of Vermont. The petition asks for: (1) the end of commercial fishing for wild striped bass in state waters and (2) a ban on the sale of wild caught striped bass anywhere in Massachusetts.

Calls for "gamefish" status like this one are not new. DMF has historically opposed gamefish requests because: (1) the striped bass resource is a renewable resource that can accommodate controlled fishing; (2) there is a legitimate public interest in maintaining the market access to bass and other species; and most recently (3) the mortality of bass by commercial anglers is small compared to that in the recreational fishery.

In 1989, Stripers Unlimited requested an end to the Massachusetts commercial fishery to

enhance bass reproduction, reduce black market opportunities, and emulate other states with sale bans. After May 1989 public hearings, the Marine Fisheries Commission agreed with a DMF recommendation that those arguments were not supported by the evidence and were an invalid basis for banning the sale of bass. The Commission voted to accept DMF's recommendation not to ban the sale.

The surprising aspect of the current petition is its timing. Previous efforts to pursue gamefish status were fueled by concern for striped bass reproduction and a feeling that improved spawning would result from reduced harvest. But today, striped bass stocks are at near-record levels and growing. There is widespread optimism about striped bass management and with good reason. Recreational catches are at or near historic highs. The resource is very robust. Refer to the March 1995 Special Issue of the DMF NEWS, "Striped bass: recovered but still tightly regulated," for more details.

As a consequence of this rebuilding, and consistent with scientists' advice, Massachusetts increased its 1995 commercial quota from 238,000 (about 10,000 fish) in 1994 to 750,000 lbs. (about 41,000 fish). Commercial fishermen welcomed this increase in quota even though the quota was less than the 1 million lbs. allowed Massachusetts under the present Atlantic States Marine Fisheries Commission management plan that has brought bass back from low abundance witnessed during the 1980s.

Rules for recreational fishermen were also relaxed this past year but remained very conservative. Massachusetts recreational fishermen generally opposed liberalizing size and bag limits to take advantage of the plan-approved 28" size limit with a bag limit of two bass per day. Instead the minimum size remains high at 34" and the bag limit is just 1 fish per day.

The gamefish petition prompts discussion about the impact of both fisheries on striped bass. The commercial fishery is responsible for a relatively small portion of total bass mortality. DMF has some estimates of bass mortality (# of fish) in Massachusetts for the recreational and commercial fisheries. The accompanying table provides preliminary estimates for 1995 with an assumed 8% mortality rate of released fish by recreational and commercial fishermen. In 1995, recreational angling accounted for 89% (461,743 out of 520,043 fish) of total harvesting mortality of striped bass.

It is acknowledged that the overall economic value generated by striped bass recreational fishing will exceed that of commercial fishing. Nevertheless, the debate shouldn't be limited to economics. There is the issue of access to the resource. There is the legitimate public interest of there being a market for bass. With such a large stock, brought about by the most celebrated management plan in fisheries management history, all citizens of the Commonwealth should be able to enjoy striped bass bought in seafood markets or restaurants. Moreover, under the tightly regulated management program currently in place, we provide the non-fishing public this opportunity. The prevailing management plan allows the public to have it both ways: a robust recreational fishery providing food, enjoyment, jobs, and tourism, and a traditional, hook-and-line commercial fishery providing about 1 million striped bass meals for consumers.

Striped bass provide a critical economic supplement for many small-scale fishermen. There were 3,300 commercial striped bass fishermen in 1995. Given the seasonal nature of the fishery (the 1995 season lasted 71 days from July 1 through September 9) commercial anglers range from part-time participants or full-time commercial fishermen who also participate in other fisheries such as groundfishing, lobstering, and shellfishing.

A ban on sale could lead to a challenge by seafood dealers that the ban is unconstitutional. Striped bass are considered recovered and well-managed. With a ban, DMF would likely be required to provide solid rationale for restricting interstate trade. Of note, DMF and the MFC already have relaxed striped bass sale rules to accommodate bass caught from the waters of other states when bass are not abundant here (see related article). Those supportive of banning the sale of bass will be hard-pressed to convince the general public, and DMF, of the need for the ban to increase conservation and improve management, especially since 1995 provided some of the best recreational and commercial bass fishing in almost two decades.

**Preliminary 1995 estimated bass mortality (# of fish)
in Massachusetts for each sector.**

	Harvest	Estimated mortality * due to Catch & Release	Totals
Recreational	166,000	295,743	461,743

Commercial	041,000	017,300	058,300
	=====	=====	=====
Totals	207,000	313,043	520,043

* Based on estimated 8% mortality rate of released fish

by Phil Coates, Director

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Mid-Atlantic Stripers Arrive in Massachusetts Winter Markets

Chefs all over Boston are raving about the return of striped bass to their menus. Thanks to new regulations approved by the Massachusetts Marine Fisheries Commission, striped bass lovers can now find bass in markets and restaurants for over half the year.

The Commission approved new regulations to allow dealers to import striped bass caught in other states into Massachusetts during winter months when bass have migrated south - out of state waters. So for four months, December - March, a steady supply of fresh striped bass caught from Chesapeake Bay, as well as ocean fisheries in North Carolina, Virginia, and Maryland is now available. In addition, local striped bass markets received a real boost this past summer with a tripling of the Massachusetts commercial quota (from 238,000 to 750,000 lbs.) that extended the season through most of the summer, July through mid-September. During the summer, restaurants and retail markets from Cape Cod to Cape Ann feature fresh local striped bass.

Striped bass marketability has suffered for years from inconsistent supply caused by an array of states' open and closed seasons and inconsistent states' rules regulating the sale and shipping of bass across state lines. While not all problems have been solved, the increased state quota and opening of winter markets have certainly enhanced opportunities for restaurants and seafood dealers to increase value and marketability.

During winter months, consumers may be surprised to see striped bass smaller than the Massachusetts' current 34" minimum size because the bass are caught in states where the legal minimum size is lower. The minimum size in Chesapeake Bay commercial fisheries is 18" while most states' ocean fisheries along the mid-Atlantic have 28" minimum size. Most fish are expected to come from Maryland's commercial fishery, the largest among all states.

To ensure these fish are legally caught, new regulations require bass be imported whole into Massachusetts, marked with a state-issued numbered tag, and accompanied by documents that verify state of origin. These bass must meet or exceed the minimum size in place for the state of origin. If fish are re-sold whole, tags must remain attached to the fish. If fish are filleted after importation, all containers of fillets must be documented describing fish origin, name of the Massachusetts dealer that processed the fish, quantity, and species. Original tags must be maintained on the dealer's premises for 30 days after processing.

Striped bass fisheries are managed cooperatively by the states under the auspices of the Atlantic States Marine Fisheries Commission. Commercial quotas have been increased only recently (1995) since stocks were declared "restored."

by Dan McKiernan

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Jack Crowley Awarded DMF's Belding Award

On February 6th, Marine Science Educator Jack Crowley was awarded DMF's sixth annual David Belding Award, in recognition of his contributions toward "conservation and sustainable use of the state's marine resources." Teaching students at Hingham High School for 30 years, Mr. Crowley is a dedicated leader in marine science education.

The Belding Award was named after Dr. David Belding, a physician and biologist whose work in marine biology during the first half of this century formed the cornerstone of

today's Division of Marine Fisheries. The award is funded in perpetuity by his descendants.

The previous five recipients were involved in fisheries management at the state or regional level. This year's choice of Mr. Crowley recognizes the importance of education, especially of young students to build an appreciation for marine biology and become constituents for marine conservation.

DMF will accept nominations for the 1996 award through next summer. Submittals are open to citizens of the Commonwealth who may be sport or commercial fishermen, fisheries professionals, or environmentalists who contribute to conservation or sustainable use of marine resources.

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DMF Publishes Proceedings of Sea Urchin Workshop

Biologists Arne Carr and Jessica Harris of DMF's Fisheries Technology Program have published technical papers from a recent workshop convened by DMF and Maine Department of Marine Resources. The work is titled "1994 Workshop on the Management and Biology of the Green Sea Urchin." The conference was attended by researchers, fishery managers, harvesters, and law enforcement personnel, with representatives from Massachusetts, Maine, New Hampshire, Florida, and Canadian provinces of New Brunswick and Nova Scotia.

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Nominees Sought for N.E. Fishery Council

Governor Weld will soon submit qualified nominees for the New England Fishery Management Council seats which are to become vacant. The New England Council is one of eight regional councils established by the Magnuson Act to develop fishery management plans and advise the National Marine Fisheries Service.

Massachusetts recreational and commercial fishing organizations, and the public at large, are invited to submit names of potential candidates. In order to be considered for the position, nominees must be "individuals who, by reason of their occupation or other experience, scientific expertise, or training, are knowledgeable regarding the conservation and management, or the commercial or recreational harvest, of the fisheries resources of the geographic area concerned."

Current holders of the available seats are Joe Brancaleone, and Barry Gibson from Massachusetts, and Arthur Odlin and Lewis Zglobicki from Maine. Anyone interested in being considered for these seats should send a short letter and resume to Commissioner John Phillips at the Dept. of Fisheries, Wildlife & Environmental Law Enforcement, Attention: Diane Maguire, 100 Cambridge Street, Boston, MA 02202.

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Species Brochures Available

Several years ago DMF contracted with the University of Massachusetts Cooperative Extension Communications Center to publish a series of brochures describing the locally important finfish species. Each brochure is species specific and contains natural history, management, angling and catch handling information. These informative pamphlets have been favorably received by the public at area sportsman's shows. For those who have not had the opportunity to receive them, or would like to fill their collection with missing issues, contact your nearest DMF office.

The following species brochures are still available :

American Eel	Atlantic Mackerel	Black Sea Bass
Bluefish	Blue Shark	Cod
Cunner	Halibut	Mako Shark
Monkfish	River Herring	Scup
Shad	Pollock	Smelt
Striped Bass	Tautog	Tomcod

Weakfish White Marlin White Perch
Windowpane Flounder

Regional offices and phone numbers:

Salem 508-745-3107

Boston 617-727-3193

Sandwich 508-888-1155

Martha's Vineyard 508-693-4372

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ATTENTION ALL FISHERMEN

Be on the Lookout for Tagged Winter Flounder (Blackback)

DMF's Power Plant Investigations project is conducting a multi-year winter flounder tagging study in western Cape Cod Bay. Objectives are to map seasonal movements to feeding and spawning grounds, define the geographical distribution of the local population, estimate population size, and determine the significance of power plant impact - namely the entrainment of winter flounder larvae in the power plant cooling water. This investigation is funded by Boston Edison Company to assess impact of Pilgrim Nuclear Power Station (Plymouth) on this important flounder. Waters adjacent to the plant, including Plymouth, Kingston, Duxbury Bays are important spawning areas for winter flounder.

DMF biologists are tagging flounder with a Petersen disc (oval tag) attached close behind the head. In 1995, 2,900 flounder were tagged in western Cape Cod Bay. Tag returns continue to come into our office; most people call in the information.

If you catch one of our tagged flounder, please record the date, length of the fish if possible, tag number and color, and location of capture. Please call or send the information (fish under the 12 inch limit should be released with the tag in place) to Bob Lawton at DMF, 18 Route 6A, Sandwich, MA 02563; Tel.# (508) 888-1155.

Individuals returning tag data to us will be entered into a monthly drawing for fishing tackle. More information concerning this study can be obtained by calling our Sandwich office.

by Bob Lawton, Senior Biologist, Power Plant Investigations

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Comings and Goings...

DMF will miss two talented and popular members of the biological staff. Michael P. Armstrong, Ph.D. of DMF's Lobster Investigations Project accepted a position as Research Scientist at the Florida Marine Research Institute in St Petersburg. Also, Karen Greene, North Shore Fishery Supervisor (sea sampler) resigned to relocate to Virginia in February. We'll miss them both. Meanwhile we've welcomed aboard Jeanne Haggerty to the Boston licensing staff. And at the Cat Cove Lab in Salem, we picked up three new staff: statistician Jonathan Pava, data entry specialist Kristen Kobialka, and lab technician Peter Kelliher.

DMF NEWS

EDITORS: Dan McKiernan

David Pierce

Jerry Nash

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

Rules UPDATE

Volume 6 Number 1

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Notices of Public Hearings

Massachusetts Marine Fisheries Commission

Scheduled for February 26, 27, and 28

Public comment will be accepted on the following proposals:

1. Public petitions regarding striped bass management (322 6.07): a) petition to prohibit gaffing of striped bass; and b) petition to allow charterboats to fillet striped bass during trips for customers.
2. DMF proposal to amend monkfish regulations (322 CMR 8.06) by a) defining tail minimum size as either the distance from the foremost vertebra to the end of the caudal fin, or the anterior portion of the fourth cephalic dorsal spine to the end of the caudal fin; and b) regulating the possession and landing of monkfish livers through the adoption of minimum ratios of fish weight:liver weight and a requirement that the number of livers landed matches the number of monkfish (or monkfish tails).
3. DMF proposal to amend sea scallop dredge restrictions (322 CMR 4.10) to increase the minimum ring size from 3 1/4" to 3 1/2", consistent with changes in the federal management plan.
4. Marine Fisheries Commission seeks comments on the need for further regulation of pollock catches by recreational fishermen through the adoption of a minimum size and/or bag limits. Currently pollock minimum size and bag limit are not regulated for recreational fishermen.

Draft regulations are available upon request from DMF.

Three hearings have been scheduled:

Monday February 26, 1996 at 7:00 PM at the Sawyer Free Library, Friend Room, Gloucester;

Tuesday, February 27 at 3:00 PM at the Martha's Vineyard Commission Building, Oak Bluffs;

Wednesday, February 28 at 7:00 PM at the Mass Maritime Academy, Buzzards Bay

Mid-Atlantic Fishery Management Council and Atlantic States Marine Fisheries Commission

Sea Bass Management Plan Public Hearing

March 6, 7:00 p.m. at Mass. Maritime Academy, Buzzards Bay

The Mid-Atlantic Fishery Management Council's Black Sea Bass Fishery Management Plan, prepared in cooperation with the Atlantic States Marine Fisheries Commission, will be presented. If you are interested in sea bass management, please attend this hearing to comment on proposals that will affect fishing in state and federal waters.

For more information contact David Keifer, the Council's Executive Director, at 302-674-2331 (FAX 302-674-5399), or David Pierce at DMF's Boston office (617-727-3193).

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Regulatory UPDATE

During the period December - February, the following decisions were made by DMF and the Marine Fisheries Commission.

Rules for the 1996 summer flounder fishery approved. This year's national fluke quota is 23% less than last year's because the Council/ASMFC management plan requires a lower fishing removal rate in 1996 (34% of stock removed by fishing). Therefore, Massachusetts 1996 quota (6.8% of total) has been reduced to 757,630 lbs. The 1995 quota was about 984,250 lbs.

This 1996 Massachusetts quota has been allocated 30% (227,290 lbs.) to the winter fishery with the remaining 70% (530,342 lbs.) to the summer fishery. This is the split used by DMF since quotas were first established for fluke in 1993

. For the winter fishery the MFC approved a lowering of the trip limit from 5,000 lbs. to 3,000 lbs. Also, the opening of the winter fishery was delayed until February 1, instead of a January 1 opening as seen during the last three years, 1993 - 1995.

Beginning February 1 fluke landings were allowed for just seven days _ until February 7. DMF will tally all landings during the period and if sufficient quota remains, may re-open the fishery for another short period this winter.

DMF intends to open the summer fishery on June 17 and maintain the same possession limit that was adopted last year: 300 lbs. In previous years, the fishery began on June 1. This postponement will help extend the summer fishery through August. The summer fishery is expected to last about ten weeks before the annual quota is filled.

There is good news: DMF requested and received a transfer of 138,000 lbs. of unused fluke quota from the state of New Jersey in the final days of 1995. As a result, Massachusetts will not be penalized in 1996 for the 1995 quota overage. Many thanks to New Jersey officials.

Northern shrimp fishery rules set for 1995-1996. Northern Shrimp fishery opened on

December 1 with a "full" season allowed through May 31. Biologists reported improved stock size this season so the ASFMC Shrimp Section approved the full season with Sunday kept as a no-fishing day. Off the Massachusetts coast, shrimp trawling occurs exclusively in federal waters and vessels are required to obtain state shrimp permits to land their product in Massachusetts ports. This fishery continues to be monitored closely by federal and state sea samplers observing both the target catch composition as well as by-catch of other species. By-catch has been markedly reduced since the use of the Nordmore grate _ a finfish exclusion device required since 1992.

Sale and distribution of imported striped bass allowed during winter months.

Legally-caught bass from other states are now allowed to be shipped and sold in Massachusetts during December through March, months when striped bass are not abundant in our waters. Fish must be imported whole and must bear tags identifying state of origin. The request for this regulation change was made by dealers back in 1993, and the Commission delayed approving the measure pending completion of studies of other states' rules regarding the sale and shipment of bass. See article in DMF News. Contact DMF for copies of the complete regulations.

Lobster license transfer rules amended. New regulations have been adopted that affect the transfer of lobster licenses. Changes clarify owner/operator requirements, posthumous transfers, and other performance criteria. Contact DMF for complete copies of new regulations.

"Control Date" approved for urchin dive fishery. The Commission approved a "control date" for the urchin dive fishery. Control dates are formal notices to all currently participating fishermen and others who seek to obtain a permit that limited entry rules eventually may be used in the fishery _ rules that could limit participation to only those fishermen who held a permit prior to the published "control date" of 9/11/95. All fishermen purchasing a permit after this date are being notified that they may be denied access to the fishery in the future if DMF and MFC establish limited entry for this fishery.

Night-time landing of lobster prohibited during February-April. Proposed at the May 1995 public hearings and approved by the Commission in July, this new regulation prohibits unloading of lobsters after 8:00 pm and before 6 a.m. during February-April. This restriction is designed to facilitate officers' inspection of lobsters to check for unlawful removal of eggs from female lobsters. The Commission considered a year-round adoption of the measure but opted for the three month period to coincide with the season of large offshore lobster trips. Also Division of Law Enforcement staff were confident that during these three months, officers could provide the most complete coverage.

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DONE BUT NOT OVER

New England Fishery Management Council Finishes Next Groundfish Amendment

The New England Council after over a year of discussion and many meetings finally completed Amendment 7 to the Northeast Multispecies Fishery Management Plan _ its purpose being to rebuild spawning stock biomass of cod, haddock, and yellowtail flounder and to prevent pollock, redfish, white hake, American plaice (dab), witch flounder (grey sole), winter flounder, and windowpane flounder from being overfished.

At January meetings, the Council decided to use the following approaches:

Days-at-sea reduction: The major provision of the current management program

(Amendment 5) is being expanded by targeting a 50% reduction in fishing effort over a 2-year period. Amendment 5 called for a 50% reduction from recent levels over seven years.

There are currently two classifications of vessels fishing under the days-at-sea provisions of Amendment 5: vessels with individual allocations of days-at-sea, based on proven past performance (190 vessels) and vessels that fall within the fleet category (514 vessels) that all get the same number of days. Vessels with individual allocations will average 156 days in the first year and 120 days thereafter. Vessels with fleet category allocations will receive 139 days in year 1 and 88 days thereafter.

The Council also is eliminating exemptions for vessels currently not in the days-at-sea program; the number of vessels in both individual and fleet categories will increase significantly. Only vessels less than 30 feet, handline/rod and reel open access vessels, party/charter vessels, recreational vessels, and certain vessels fishing in the Mid-Atlantic area will be exempted from the days-at-sea program.

Area closures: Existing area closures in southern New England and Georges Bank will be continued and additional closures in the Gulf of Maine will be implemented to protect key aggregations of groundfish, especially cod.

Three large areas in Southern New England and Georges Bank that were previously closed under Amendment 5 will continue. These areas are closed year round to all gear capable of taking groundfish except the Nantucket Lightship. The Lightship area will open to recreational and party charter fishermen for taking cod and other groundfish since this is primarily a yellowtail flounder protection area.

Additional seasonal closures have been approved in the Gulf of Maine. They are areas previously closed to gillnetting to protect harbor porpoise, and they will now be closed to all commercial groundfish gear including trawls and hooks. Party/charter and recreational vessels will be allowed to fish in these areas subject to recreational party/charter restrictions.

Eliminate exemptions: Amendment 5 contains several exemptions from either days-at-sea effort reduction requirements or limited entry requirements. The Council has determined that most of these exemptions are inappropriate, given the current condition of the resource and has eliminated them in Amendment 7. For example, under Amendment 5, vessels less than 45' long, gillnetters, and hook vessels were exempt from the days-at-sea reduction schedules. The Council has eliminated or modified these exemptions.

The vessel size exemption from 45' has been changed to 30' with a possession limit of 300 lbs. of cod, haddock, and yellowtail flounder. Hook vessels are now under the days-at-sea provision. Gillnetters will get fleet or individual days-at-sea measured as time nets are in the water.

Previously, anyone could obtain a multispecies permit to possess up to 500 lbs. of multispecies (groundfish) and fish up to 4500 hooks. These permits now have been essentially eliminated. Only people that meet the original moratorium eligibility requirements to obtain a limited access permit will be eligible to receive a limited-access possession limit only permit. Only people that fished with hooks and can document landings between June 1, 1994 and June 1 1995 will be eligible for a limited access hook permit. The only remaining open access permits are for rod and reel/handline (with a 300 lb limit of cod, haddock and yellowtail flounder) and a party/charter boat permit.

Additional provisions: There will be increased restrictions on vessels fishing for other species that may impact groundfish while providing some opportunity for fishermen to diversify without creating additional conflicts.

Recreational fishermen and charter/party boat operators will be limited by increased size limits (20" cod and haddock in year one of plan and 21" thereafter), 2 hooks per line and one line per angler, and no sale of fish caught on recreational, party, or charter vessels when taking parties. Also, recreational fishermen fishing on private vessels will be limited to 10 fish.

Details of Amendment 7 are too numerous and complex to list here. Furthermore, because the Amendment must be approved by the Secretary of Commerce, we await the final

product before we provide the specifics. Everything in the Council-approved plan is subject to approval by the Secretary. The expected implementation date of Amendment 7 is June 1, 1996 with days-at-sea and other provisions retroactive to May 1, 1996.

An additional aspect of the Amendment is definitely worth mentioning now _ monitoring plan performance. Target Allowable Catches (TACs) for haddock, cod, and yellowtail flounder and for the aggregate of the remaining seven species will be set prior to each fishing year, and catches will be monitored. If TACs are exceeded, adjustments will be made the next year to hit that year's targets. This approach could lead to more restrictions such as larger area closures and more reductions in days-at-sea. There won't be long delays in implementing these changes since virtually every provision of Amendment 7 will be adjustable through frameworking. A plan amendment takes upwards of a year to conceive and implement. A framework measure can be implemented in a few months.

The next issue of the DMF NEWS will be issued in mid-May, and by then all the details should be known.

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Legislative UPDATE

Kudos for Senator Durand. Congratulations to Senator Bob Durand (D-Marlborough) who was recently named the new Majority Whip. Senator Durand's five year tenure as Natural Resources and Agriculture Chairman distinguished him as a champion of environmental issues. While we will miss him as Chairman, we look forward to working with him and his staff in his new role.

Welcome Aboard! Senator Lois Pines (D-Newton) was named the new Senate Chair for the Nature Resources and Agriculture Committee. Senator Pines, a Senator since 1986, brings great interest and enthusiasm to her new post and is especially interested in aquaculture and public health issues related to fish.

Lobster Bill Isn't Dragging. Senate bill 1103, which originally prohibited the landing of lobsters in the Commonwealth by draggers, was amended by the Senate to allow draggers to land 50 lobsters per day for a maximum of seven days. The bill was recommitted to the Natural Resources Committee.

Open Space. The House and Senate recently passed a \$399 million open space bond bill and was signed by the Governor on February 12.

Seaport Bond Bill. Remains in Conference Committee.

Contact Priscilla Geigis, *Department Deputy General Counsel*, for details (617-727-1614, ext. 388).

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