



MASSACHUSETTS Division of Marine Fisheries

PAUL J. DIDDATI, DIRECTOR



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Last Updated:
July 31, 2002

DMF NEWS

Volume 16 Second Quarter

April-June 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 Second Quarter April-June 1996

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Striped Bass Sale Ban Public Hearings Scheduled

At the request of the Marine Fisheries Commission, DMF has scheduled two public hearings, May 20 at Sandwich High School and May 22 at the Fuller School in Gloucester, to consider a petition to ban striped bass commercial fishing in Massachusetts as well as ban the sale of any wild striped bass. The petition was submitted by Coastal Conservation Association of Massachusetts (formerly called New England Coastal Conservation Association) with over 5,000 signatures, and the campaign was sponsored for CCA by the Orvis Company of

Vermont.

These hearings could produce some of the largest crowds ever seen for a state fisheries public hearing, so the Commission has decided on some protocol. Representatives of CCA will be allowed to argue the merits of the petition at the outset of the hearing. Then elected officials and representatives of organizations will be given opportunities to speak. We will request (but not mandate) of those who wish to testify to submit written comments to help establish a clear record on the issues.

Members of the public are cautioned that these public hearings are not like "town meetings", where each person is allowed to cast a vote on the issue. There will be no votes or polls taken among members of the audience. Furthermore, we will discourage people from simply lining up at the microphone to state their support or opposition, thereby casting a pseudo "vote." If someone belongs to an association, we hope they'll speak through their representatives, but of course any individual will be allowed to speak on their own behalf. All these "ground rules" may seem constraining, but they're our only means to conduct an orderly hearing in the mere four hours allotted.

According to Phil Coates, DMF Director, the hearings should focus on the matter of resource allocation. Atlantic striped bass stocks were declared restored by Atlantic States Marine Fisheries Commission (ASMFC) in 1995, and the condition of these stocks is not the central issue of this petition. However, if anyone has a question about interstate management of striped bass, DMF staff will be available to provide answers.

Our state's commercial striped bass fishery dates back to colonial times, and although catches have fluctuated with stock abundance or regulatory changes, commercial fishing has never been prohibited. The fishery was limited to hook and line and minimum sizes were enacted in 1945. Commercial landings peaked during the 1960s and 1970s when reported annual totals routinely exceeded well over 1 million lbs. Increases to minimum sizes were instituted throughout the 1980s, and a commercial harvest quota was imposed in 1990. The Massachusetts quota was limited to just 20% (238,000 lbs.) of average annual landings that occurred during the peak years of the fishery (1972-1979), and the quota remained unchanged through 1994.

Meanwhile, abundance of striped bass steadily swelled, and stocks reached full recovery in 1995. Recreational catches also increased incrementally each year during the early 1990s keeping pace with growth of stocks. Amendment #5 of the ASMFC Striped Bass Plan allowed increased commercial quotas (commensurate with the stock recovery) and increased recreational catches. The increase in commercial quota allowed under Amendment #5, using 1993 as a base year and a 34 inch minimum size target, was from 238,000 to 990,000 lbs. However, DMF and MFC allowed just 750,000 lbs. The actual *number* of fish killed (including deaths due to catch & release) by commercial anglers (1993 vs. 1995) was 17,700 as compared to 52,000, or a three-fold increase. The recreational fishery grew at the same rate during that period. Recreationally related mortality increased from 95,200 fish in 1993 to 335,200 fish in 1995.

by Dan McKiernan with contributions by Paul Diodati

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Profile of the Massachusetts striped bass commercial fishery:

- Size Limit: **34 inches.**
- Fishing gear allowed: **Rod and reel and handlines only** - Netting is prohibited.
- 1995 Mass. commercial quota allowed by the Interstate Plan: **807,000 lbs. with 28" min. size or 999,000 lbs. with 34" min. size.**
- 1995 commercial quota approved by the Mass. Marine Fisheries Commission: **750,000 lbs.** Actual 1995 landings: **782,000 lbs.**
- Average annual landings during 1990-1994: **219,000 lbs. (approximately 10,300 fish).**
- Annual allocation allowed during 1990-1994: **238,000 lbs.**
- Opening day of commercial season: **July 1.** Fishery opens with alternating 3-week open and 1-week closed periods until quota reached.
- Length of 1995 commercial season: **71 days.** Fishery was closed on Sept. 9.
- Number of days commercial fishing allowed in 1995: **57.**
- Striped bass caught out-of state may also be imported into Mass. during winter months, December - March.
- Cost of striped bass special permit: **\$10 for residents, \$50 for non-residents** (in

- addition to a regular commercial permit).
- Number of striped bass permit holders: **3,353**; number who sold at least one bass: **982**.
- Harvest by counties: Barnstable, 51%; Essex, 20%; Bristol: 13%; Suffolk: 6%; Plymouth: 5%; Dukes: 4%; all others: 1%.
- Statewide average price (paid to fishermen): **\$1.34**; highest in Nantucket: \$2.47, lowest in Bristol County: \$1.01.

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Final Recreational & Commercial Bass Statistics Now Available

Last quarter, we published preliminary catch and harvest figures for Massachusetts' recreational and commercial fisheries in the article titled "Striped Bass Gamefish Petition." We overestimated recreational harvest, especially in the latter half of the season. Recreational harvest was about 73,000 fish, not 166,000 as reported. We apologize for this error.

Consequently, in Massachusetts, recreational fishing accounted for 85% of total fishing mortality (335,200 out of 393,500 fish) - not 89% as previously reported. Of the actual fish harvested, 64% (73,000 fish) were taken by recreational fishermen (not 80% as previously reported). Harvest for recreational fishermen would have been higher if we had adopted the liberalized regulations (min. size 28 inches, 2 fish/day) allowed for states' coastal fisheries under Amendment #5 of the ASMFC Striped Bass Plan. All states from RI south to North Carolina liberalized their recreational restrictions and most enjoyed sizeable increases in harvest. Massachusetts had the largest recreational fishery of all states in 1995 with over 3.3 million bass caught, but just 2% (73,000) were retained as harvest. See figure below.

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

Recreational	Harvest	Estimated mortality * due to Catch & Release	Totals
Recreational	073,000	262,200	335,200
Commercial	041,000	017,300	058,300
Totals	114,000	279,500	393,500

* Based on estimated 8% mortality rate of released fish.

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East Coast Recreational Fishery Statistics, 1994 vs. 1995 *(This is a graphic which is available as a hard copy from MDMF)*

Making a Splash!

Sponsored by the Governor's Seafood Task Force

Restaurants, Supermarkets and Retail Fish Markets Support the Fishing Industry in a Big Way!

The ***Making A Splash! Campaign*** promoting underutilized and undervalued species, which was highlighted in a previous DMF News, kicks-off this June! Massachusetts restaurants, supermarkets and retail fish markets are pledging to carry and promote Cape Shark, Mackerel, Whiting, Red Hake and Herring, when in season, through October. Campaign Partners to date include Stop & Shop, Bread & Circus, DeMoulas Market Basket and some independent fish markets. Restaurants from all over the state are signing on, including seafood chains Legal Sea Foods and SkipJacks, famous Boston and Cambridge restaurants East Coast Grill, Turner Fisheries, Union Oyster House, Hampshire House, Swan

River Seafood Restaurant (Dennisport), Red Lion Inn (Stockbridge), Webster House (Worcester), Folger Hotel and Restaurant (Nantucket), Anthony's Island Pier Restaurant (Tyngsboro), and many more!

Famous Chefs & The Phantom Gourmet Promote the Campaign!

The Phantom Gourmet cooking show, airing on New England Cable News on Saturday June 1st at 9 a.m., will be dedicated to the Campaign. Tune in to see some of Boston's top chefs prepare a dish using the Campaign's underutilized species. The chefs - Daniel Bruce, *Boston Harbor Hotel*, Guida Ponte, *Legal Sea Foods*, Robert Fathman, *Grill 23*, Don Chapelle, *Brew Moon*, Ana Sortun, *Casablanca* and Nori Koishikawa, *Sakura Bona*, are donating their time to support the Campaign and the fishing industry.

Look for Local Media Coverage!

The *Boston Globe's* food pages will highlight the Campaign and our fish soon. The July issue of *Boston Magazine* will feature a full-page ad including a listing of all our Campaign Partners where consumers can purchase and taste the fish. Ads are planned for regional papers, such as the *Gloucester Times* and *Cape Cod Times*. The publicity blitz starts in July. We are looking to make a real Splash! across Massachusetts.

This is Your Campaign - Get Involved!

For the Campaign to be successful, we need to supply high quality, fresh fish to our Campaign Partners. Our Partners will be looking to buy their fish from the best sources possible. If you sell our targeted fish and want to get involved in this exciting program, please call Regan Larkin Communications at 617-268-1380 for information. If you are interested in attending the invitation-only Kick-Off Event call us at 617-268-1380.

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Sea Herring IWPs: Are they in our future?

Sea herring internal processing operations (IWPs) in Massachusetts suddenly have become very controversial. With some sea herring stocks reaching record levels, and with limited markets for sea herring, foreign (usually Russian) processing ships have filled the market void by purchasing herring over-the-side from local fishermen. But with a growing interest in herring processing in Massachusetts to fill the void of depleted groundfish stocks, many industry representatives are opposing any transfers to foreign vessels next year.

IWPs involve U.S. fishermen's sale of herring to foreign processing ships anchored in internal waters. Massachusetts has had herring IWPs since 1985 when 2,997,400 lbs. (1,360 metric tons) were transferred. The best years for these IWPs were in 1989 (19,285,000 lbs. or 8,750 metric tons) and 1990 (21,312,700 lbs. or 9,670 metric tons). Since 1991, IWPs have had little or no success for a number of reasons, such as unavailability of foreign ships.

IWPs need the Governor's approval. The federal Magnuson Fishery Conservation and Management Act (Public Law 94-265) dictates that a state's governor may not grant permission for an IWP if he determines that "fish processors within the State have adequate capacity, and will utilize such capacity, to process all the United States harvested fish from the fishery concerned that are landed in the State." Since the first IWP, Massachusetts governors have asked the Commonwealth's Marine Fisheries Commission, working with DMF, to provide them with advice. Every year that advice was heeded.

There always has been opposition to herring IWPs in Massachusetts, but there has been enough support to justify some allocation to foreign processors. But this year the opposition appears to be building, especially among the Gloucester fishing industry. For example, the Executive Director of the Gloucester Fisheries Commission has expressed the Commission's opposition to any future sea herring IWPs. He described Gloucester's efforts to fund the Gloucester Herring Project involving more than \$7.8 million in current

investment projects that are expected to "create an opportunity for at least \$30 million dollars in additional production investment over the next two years." Clearly, Gloucester is confident it can take advantage of abundant sea herring.

The Commission stated:

"...The Gloucester Herring Plan will put processors back to work and will expand their facilities. It will increase the work force to about 200 jobs. It will give the larger dragger fishing fleet a new avenue to direct their efforts. It will boost the economy of the whole city."

The Mayor of Gloucester, Brian Tobey, agreed. In fact, the Mayor with unanimous support of the City Council, has approved \$500,000 to the Gloucester Herring Project, and the "fathers of the City" in conjunction with herring participants have donated approximately \$150,000 for the Herring Project.

IWP proponents insist their operations have merit for Massachusetts. For example, Resource Trading Company of Portland Maine, a Massachusetts IWP applicant and longtime participant, recently stated to Governor Weld:

"The Massachusetts herring industry enjoys a glut of resource but limited access to international markets. A long-time leading herring processor, Resource Trading Company, recognizes that IWP projects are the only way the industry can access international markets for herring on a competitive basis. As a result of successful IWP projects we have operated in the past, we have strengthened the harvesting sector and helped stabilize the flow of product to in-state herring processing and bait marketing operations. The proposed project offers \$3.0 million in market to the region's fishermen without diverting any fish from current Massachusetts processors and users..."

We have scheduled a public meeting in Gloucester for May 22 to hear comments on applications for this summer and next year. Our standard procedure is to hold the meeting and assist the Marine Fisheries Commission make a recommendation to the Governor regarding allocations he should approve.

Will IWPs have a future in Massachusetts? It all depends on the success of the Gloucester Herring Project and Massachusetts' ability to increase and maintain its processing capacity for herring. With herring stocks at an all time high, now seems to be the best time for the industry to seize new opportunities. At the same time, fisheries managers must be watchful that early enthusiasm doesn't lead to too much fishing pressure especially in the Gulf of Maine, where stock assessment information is uncertain and some fishermen urge caution else the overfishing problem experienced in the Gulf of Maine during the 1970s might occur again.

by David E. Pierce

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DMF Lobster Project Gets a Hand from the U.S. Coast Guard

This past winter was one to remember with not only record snowfall, but frozen docks and bays, and strong winds - the field sampler's nemesis. Consequently getting to one of our temperature monitoring sites at the Buzzards Bay Horntower (south of the mouth of Buzzards Bay) was particularly hazardous due to its "steaming" distance from port and exposure to winds. Our problem was resolved with the welcomed assistance of the U.S. Coast Guard, Menemsha Station, on Marthas Vineyard. Senior Chief Colin Eliot made arrangements to transport our divers to the site.

Captain "C. D." Dawson and his crew manned a 40-ft. Coast Guard vessel and assisted our divers, Vinnie Malkoski and Paul Caruso to retrieve the monitor. Vinnie and Paul reciprocated by clearing debris from the propellers on the station's vessels. Although this cooperative effort did not match the thrill and excitement level of an at-sea rescue mission for which the men and women of the U.S. Coast Guard are famous, it highlighted the helpful spirit which is highly valued when conducting operations at sea.

Since October 1985, we have been monitoring water temperatures in Massachusetts coastal waters. The first time & temperature monitor (TTM) was attached to a concrete mooring and deployed on the ocean floor at Cleveland Ledge in upper Buzzards Bay. Since

then, additional monitoring sites were established both north and south of Cape Cod to provide a long-term source of bottom temperatures which would be helpful to our work on the Coastal Lobster Investigations Project and other DMF studies. Additional monitoring stations have been established by DMF's Sportfish and Power Plant Projects. For many species, including lobster, temperature is an important factor affecting spawning time and success as well as distribution and abundance.

Programmed to record temperature every two hours, these monitors have a battery life of 530 days. We attempt to change them annually, however, weather and other sampling responsibilities often delay retrieval and replacement of them by DMF divers.

These unique data sets are available to other researchers. [Contact us for more information](#)

. by Bruce T. Estrella, Coastal Lobster Project Leader

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Judge To Rule in Right Whale Lawsuit

Federal Judge Douglas P. Woodlock of the District of Massachusetts is set to rule in a one-year old law suit filed by Richard "Max" Strahan against DMF. Mr. Strahan, purportedly representing himself in the suit, challenges DMF's authority to license commercial fishing gear. The Conservation Law Foundation (CLF) has filed a "friend of the court" brief in support of Mr. Strahan. DMF is being represented by the Office of the Massachusetts Attorney General. Judge Woodlock will conduct a hearing in the suit on May 21, at 2:30 p.m.

In the suit, Mr. Strahan requested an injunction against DMF from issuing, or renewing commercial fishermen permits. He seeks a Court revocation of all existing commercial fishermen permits until DMF is issued a National Marine Fisheries Service (NMFS) "incidental take" permit under the Endangered Species Act (ESA) and a "small take" permit under the Marine Mammal Protection Act (MMPA). He contends that commercial fishing permits authorize the taking of fish, including lobsters, for commercial purposes with gear that may entangle a northern right whale thus resulting in a "take" under the ESA and MMPA. At prior court hearings, Mr. Strahan suggested he seeks a ban on fixed gear in Cape Cod Bay during the months of March, April, and May. Indeed, CLF has admitted as much by noting in a court motion that this "case involves an attempt to force officials of the Commonwealth of Massachusetts to adopt measures to protect" the northern right whale.

NMFS is not a party to the suit. NMFS has never taken the legal position that DMF needs such federal permits to issue state commercial fishing permits. Furthermore, NMFS has informed DMF that these permits, if applied for, could not be issued to DMF because the northern right whale is so severely depleted. In short, Mr. Strahan's suit is, in reality, a request that the federal court take over the Commonwealth's commercial fishing license scheme to enact and enforce a federal court-ordered ban on gill net and lobster pot fishing in Massachusetts waters. Mr. Strahan's suit fails to address the primary cause of northern right whale mortality _ large ship strikes, not fixed gear entanglements. Furthermore, the evidence shows that fixed gear entangling right whales has come from federal or Canadian waters. There is no evidence to show that any entanglements of northern right whales in fixed gear are caused by gear set in Massachusetts waters by Massachusetts licensed fishermen. Of note, the recent establishment of a northern right whale critical habitat by NMFS, which was supported by the Commonwealth, did not place any restrictions on fixed gear. Mr. Strahan has never petitioned NMFS or the New England Fishery Management Council to ban fixed gear in waters frequented by northern right whales.

No other government, state or federal, has done more to protect the northern right whale than the Commonwealth. (See page 7.) The Commonwealth now chairs the NMFS New England Whale Recovery Plan Implementation Team. Through a Memorandum of Agreement, the Commonwealth has combined and coordinated the marine fisheries expertise of DMF and the endangered species expertise of the Division of Fisheries and Wildlife to address northern right whale protection. The Commonwealth awaits the execution of a cooperative endangered species agreement with NMFS to provide further protection for the northern right whale.

NMFS has recognized the Commonwealth's efforts to protect the northern right whale. NMFS stated in a recent *Federal Register* notice that "it recognizes and appreciates the efforts of the Commonwealth of Massachusetts to protect the northern right whale."

Given this history, it is curious that the Commonwealth finds itself in court as a defendant awaiting the Court's Order on May 21. It is the commercial fishing industry, however, that will feel the effects of any injunctive relief granted to Mr. Strahan.

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Massachusetts' Actions That Help Protect The Northern Right Whale

Massachusetts was the first to:

- empanel a blue ribbon committee pursuant to state legislation to study the northern right whale and make
- recommendations for their protection in 1985 and 1986;
- establish a 500 yard buffer zone around northern right whales;
- distribute to all licensed commercial fishermen information on increased awareness and protection for the northern right whale; and
- urge state and federal agencies with ocean dumping jurisdiction to minimize dumping activities in northern right whale high use areas.

In addition, the Commonwealth has:

- prohibited use of sink gill nets south of Boston during March, south of Cape Cod from April to November 15, and
- north of Cape Ann during November;
- begun a program using Coast Guard surveillance flights to locate northern right whales in state waters. The Commonwealth's Division of Environmental Law Enforcement continues to report whale sightings to Provincetown's Center for Coastal Studies and intends to report these locations to the Boston Harbor Pilots and Harbor Masters who then will pass this information to ship traffic and commercial fishermen, respectively;
- coordinated \$50,000 in research contracts with the New England Aquarium and the Center for Coastal Studies to investigate the population status, seasonality and habitat use of northern right whales;
- been a member of the National Right Whale Recovery Team and helped draft the National Right Whale Recovery Plan;
- limited the potential for northern right whale entanglements in fixed fishing gear by prohibiting the use of more than 800 lobster pots by coastal lobstermen; and
- issued a moratorium on the issuance of new sink gill net regulated fishery permits.

by David C. Hoover, General Counsel

Department of Fisheries, Wildlife & Environmental Law Enforcement

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Proposed Tuna Rule Changes

Proposed rule changes for the Atlantic tuna fisheries were posted in the *Federal Register* by NMFS in late April. No major changes are proposed for the 1996 Atlantic bluefin tuna fishery. The primary objectives of the rules are to allocate the U.S. share of ICCAT's bluefin quota for the western Atlantic and to fine tune effort control measures in the General Category. The proposed quota category allocations are of similar proportion to last season. One notable change is the pre-season transfer of 95 mt from the reserve quota to the Angling Category to compensate for overages in 1995 and catches of small bluefin off of Cape Hatteras earlier this year. Monthly quotas and days off were first introduced last season in the General Category for the purpose of preventing early quota closures. These measures are again proposed with slight changes. For example, a change to the days off scheme is offered with the consecutive days of Sunday, Monday and Tuesday. The 1996 fishing days and monthly quotas are listed in the rule.

Minor changes are proposed for the purse seine category to allow for the dockside transfer of portions of individual vessel quotas, and to allow the landing of dressed tuna. An increase in the minimum size of yellowfin and bigeye tuna from 22 to 27 inches (curved

fork length) is also proposed. This will create a uniform minimum size for bluefin and these other tunas, which can be difficult to identify at that small size. Although not included as proposed rule changes, NMFS also requests comments on several topics for future consideration, including: the growing North Carolina fishery, the use of airplanes in the General Category, and a ban on landing bluefin less than 73 inches. The deadline for comments is May 22nd.

Call NMFS in Gloucester, 508-281-9300, for more details.

by Brad Chase

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EPO Hanlon Receives Coast Guard Award

Lieutenant Peter J. Hanlon of the Division of Environmental Law Enforcement received a "Meritorious Public Service Award" from the U.S. Coast Guard on May 3. Lieutenant Hanlon was cited for his work from August 1977 through December 1995 with Air Station Cape Cod involving enforcement of marine fisheries regulations. The Award stated:

"...Lieutenant Hanlon clearly realized the benefits of developing an effective working relationship with the Coast Guard at Air Station Cape Cod, and worked to achieve an unprecedented level of cooperation with the First Coast Guard District. Fisheries law enforcement has achieved continuous success as a result of the cooperation..."

We congratulate Peter for this deserved recognition. He continues to promote this DELE/Coast Guard relationship that now is being used to locate northern right whales in Massachusetts waters, especially Cape Cod Bay during the spring. During his overflights with Coast Guard, Peter notes whale locations and reports those sightings to DMF and others concerned about right whale protection, including the Provincetown Center for Coastal Studies.

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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.

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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.

Publication #17020-12-7000-5/96-\$2030

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Division of Marine Fisheries

Rules UPDATE

Public Hearings/ Regulations/ Legislation

Volume 6 Number 2

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Notice of Public Meeting

Notice of Public Meeting Sea Herring Internal Waters Processing Scheduled for May 22, 1996

DMF has scheduled a public meeting to accept public comments on applications by companies for Internal Waters Processing Operations for Sea Herring. These operations involve domestic companies providing logistical and financial arrangements for a foreign processing vessel to anchor in state internal waters and accept sea herring catches over the side from U.S. vessels. The federal Magnuson Conservation and Management Act allows these operations when a state's Governor "determines that fish processors within the state do not have adequate capacity to process the amount landed in the state." These applications pertain to the 1996-97 fishing year for herring that begins on July 1. Meeting to be held on May 22 at 2:30 p.m. in the Friend Room of the Sawyer Public Library in Gloucester.

Notices of Public Hearings

Massachusetts Marine Fisheries Commission Scheduled for May 20 and 22, 1996

The Marine Fisheries Commission has scheduled two hearings to discuss a single petition pertaining to striped bass sale: Public petition from the New England Coast Conservation Association to

"end commercial fishing for wild striped bass in Massachusetts state waters and ban the sale of wild striped bass anywhere in Massachusetts."

This proposal would amend current state striped bass regulations, 322 CMR 6.07.

Two hearings have been scheduled:

Monday May 20, 1996 at 7:00 PM at the Sandwich High School Auditorium, Quaker Meetinghouse Road

Wednesday May 22 at 7:00 PM in Gloucester at the Fuller School Auditorium off Blackburn Circle.

Massachusetts Marine Fisheries Commission Scheduled for June 24 and 25, 1996

The Marine Fisheries Commission has scheduled two hearings to discuss the following proposals and public petitions:

1) **DMF proposal to amend winter flounder regulations** (322 CMR 6.01 and 6.23) to repeal the current prohibition on taking of winter flounder in Mt. Hope Bay and its tributaries. Proposed rules would complement those recently adopted by Rhode Island Division of Fish & Wildlife for recreational fishing in Narragansett Bay. DMF proposes to increase the possession limit to four fish per person (per day) during the period April 13-May 19 and September 28-October 28. During the remainder of the year, flounder harvest will still be prohibited, and no commercial harvest will be allowed during any time of the year in this area. No changes are proposed for state waters outside Mount Hope Bay.

2) **DMF proposal to amend recreational regulations for cod and haddock**, (322 CMR 6.03) to complement pending federal regulations changes. DMF proposes to increase the

recreational minimum size for all recreational anglers for cod and haddock from 19" to 20" in 1996, and to 21" in 1997. Also for recreational fishermen fishing from shore or on private vessels, a ten-fish combined bag limit for cod and haddock would be adopted.

3) **Petitions to amend surf clam regulations** (322 CMR 6.08) will be considered. The Division will hear comments on petitions from eleven cities and towns to make changes to areas closed to dredging and surf clam management areas established by this regulation.

A) The Town of Provincetown is requesting that:

1. A small boat dredge area be established in the area from Long Point to Race Point out to one mile from shore;
2. That boats fishing in this area be limited to a 16" dredge and a daily catch limit of 20 bu., except that present regulated fishery permit holders be limited to 50 bu.;
3. That a new limited gear (16" dredge) permit be established to allow new entry to the fishery by small boats.

B) The Town of Wellfleet is requesting an exemption from the seasonal depth contour to allow dredging by small vessels using limited gear inside the 20 ft. contour within town waters from Great Island to the Truro town line.

C) The Towns of Orleans, Brewster, Dennis, Sandwich and Bourne are requesting a change in the inner boundary of the management area along the north side of Cape Cod, moving the limit of the closed area farther offshore to a line-of-sight boundary.

D) The Town of Yarmouth is requesting the elimination of the 12 Ft. contour seasonal dredging restriction and prohibiting dredging inside the 20 ft. contour year-round.

E) The Towns of Ipswich and Rockport and the City of Gloucester are requesting the establishment of areas closed to dredging should commercial fishing for surf clams be allowed on the north shore. There is no dredging allowed in these areas now, but the towns wish to establish an inner boundary if a management area is established under the regulation.

Copies of the town petitions and maps depicting the proposed changes are available from DMF.

4) DMF proposal to clarify M.G.L. Chapter 130 sec. 41 that prohibits the possession of "female lobsters from which eggs have been removed other than natural hatching", to specifically prohibit the possession of lobsters treated with certain chemical solutions that may result in the removal of eggs.

Two hearings have been scheduled:

Monday June 24, 1996 at 7:00 PM at the Fuller School off Blackburn Circle in Gloucester

Tuesday June 25 at the Mass. Maritime Academy Auditorium in Buzzards Bay.

Regulatory UPDATE

During the period March - May the following decisions were made by DMF and the Marine Fisheries Commission.

Rules for the 1996 summer flounder fishery amended.

Possession limit of 100 lbs. (per day) established on March 25 and will remain in effect through June 17 when the limit will be increased to 300 lbs. to accommodate the summer-time directed fishery. The annual quota is expected to be reached by - or before early September.

Massachusetts' one week opening (Feb. 1-7) and 5,000 lb. trip limit resulted in about 173,000 lbs. landed against the state quota, about 50,000 lbs. short of the winter-time

target approved by the Marine Fisheries Commission. Since the inception of state quotas in 1993 DMF has allocated the annual quota 30:70 to the winter and summer fisheries, respectively. This year's state quota is 757,841 lbs. with 227,290 lbs. allocated to the winter fishery and the remaining 530,342 lbs. to the summer fishery.

Fluke Enforcement: After DMF adjudicatory proceedings, DELE and three fishermen have agreed to penalties imposed for possession of more than the fluke landing limit last year. Three different fluke permit suspensions have been imposed: (1) June 17 through July 16, 1996, (2) June 17 through June 30, 1996 and during the first and second weeks of the 1997 fluke season, and (3) June 17 through June 23, 1996, July 8 through July 14, 1996, and the first and fourth weeks of the 1997 season. All three fishermen are on probation, and any further violations will result in permanent revocation of their fluke permits. A New Bedford dealer also has agreed to a 1996 suspension of his fluke authorization permit and a one year probation from May 1 through April 30, 1997 with the understanding that any violations of marine fishery laws during the probation period will result in revocation of his dealer permit. An adjudicatory proceeding has been scheduled for another fluke dealer and will be heard shortly.

Striped Bass:

Action was taken on two public petitions regarding striped bass: one to ban gaffing and another to allow filleting of striped bass aboard charter boats.

The Commission voted to disapprove the request to ban gaffing after much debate that focused on enforceability of the regulation and validity of some fishermen's claims that gaffing is necessary in certain fishing situations. DMF and the Commission appreciated the petitioner's concerns about needless mortality inflicted upon improperly handled undersized striped bass. DMF agreed to undertake an educational campaign to raise fishermen's awareness about proper handling of fish to ensure survival when released.

The Commission approved a petition from the Cape Cod Charter Boat Association to amend current regulations to allow filleting of bass during sportfish charter trips, at-sea. Since 1993, regulations have allowed authorized charterboat operators to fillet bass for customers at the dock. These rules were adopted to accommodate charter operators whose customers found it difficult to handle and transport whole "keeper-sized" bass. (Imagine four successful charterboat customers trying to get their four keeper bass into the trunk of a mid-sized passenger car.)

Charter operators convincingly argued their case for at-sea filleting at the Buzzards Bay public hearing. They urged DMF to accommodate them to shorten the waiting time for customers to depart the vessel with their catch. Also, the captains sought to minimize turnaround time at the dock for those who run "half-day" charter excursions. The strongest support for the proposal came from charterboat captains who operate from ports with tidal constraints (e.g Rock Harbor, Orleans).

To accommodate DMF's concerns about enforceability of minimum size regulations, the petitioners suggested the carcasses of the filleted fish could be retained aboard the boat for inspection by environmental police, and the number of carcasses match the number of customers aboard the vessel and no more than two fillets per customer be allowed. This new regulation will be in effect after May 17. Commercial charter and party boat operators who seek permission to fillet bass for their customers at-sea or at the dock must apply for permission from the Director. DMF will issue letters of authorization with specific conditions. For more information contact Kevin Creighton at ext. 377.

Sea Scallops:

The Commission approved the DMF proposal to amend sea scallop dredge restrictions (322 CMR 4.10) **effective January 1, 1997** to increase the minimum ring size from 3 1/4" to 3 1/2", consistent with changes in the federal management plan. Fishermen whose vessels have been issued a federal scallop permit should be aware that they must already be in compliance with the larger ring size, even if they are fishing in state waters. The Commission voted to allow fishermen in state waters without federal permits using non-conforming dredges until the end of the year to replace their equipment.

Monkfish:

DMF proposal to amend monkfish regulations to regulate the landing of livers and specify tail length measuring techniques was tabled until the June or July business meeting.

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UPDATE is published quarterly to publicize regulatory matters affecting marine fisheries.

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