



# MASSACHUSETTS Division of Marine Fisheries

PAUL J. DIDDATI, DIRECTOR



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# DMF NEWS

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July-September 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 Third Quarter July-September 1996**

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## **Petition to Ban Sale of Striped Bass Rejected**

The Massachusetts Marine Fisheries Commission and DMF Director Philip Coates rejected the petition to ban sale of wild-caught striped bass. The petition was submitted by the Coastal Conservation Association (CCA) of Massachusetts and sponsored by the Orvis Company, renowned flyfishing manufacturer. Over 400 people attended two public hearings held during May. The Commission and Director considered extensive and often passionate

testimony and scores of letters submitted to DMF.

The petitioners stated that striped bass "should be reserved for the use of recreational fishermen only" and that "as long as a commercial fishery exists, striped bass is in danger of another collapse." Promoted as a "conservation project," public testimony focused instead primarily on financial benefits attributable to sportfishing. Petition supporters also used the hearings as an opportunity to raise their personal objections to the current state - and interstate - management of striped bass.

Opposition to the petition did not fall along expected recreational vs. commercial lines. Many organizations that promote sportfishing opposed the petition, such as the Cape Cod Charterboat Assoc., and Cape Cod Salties. The Mass. Sportsman's Council and the Worcester and Barnstable County Leagues of Sportsmen's Clubs voted to oppose the petition and "support professional fisheries management of striped bass." Also, prominent conservation groups weighed in against the petition: Conservation Law Foundation, Greenpeace, and Mass. Audubon.

Commission members who voted against the petition felt that since striped bass' resurgence was accomplished by sacrifices by both recreational and commercial fishermen over the past 15 years, it would be unfair to deny commercial fishermen the fruits of the recovery. Furthermore, Massachusetts commercial fishermen accounted for 33% of the harvest, but just 15% of bass mortality in 1995. The largest source of bass mortality results from catch-and-release since an estimated 8% of the 3.1 million bass caught and released by anglers are presumed to die.

Massachusetts commercial fisheries are capped by annual quotas, and landings are intensely monitored by DMF biologists. Rules are rigorously enforced by the Mass. Environmental Police. Striped bass in Massachusetts may only be harvested by hook and line, so the recreational and commercial fisheries are quite compatible, in contrast to some other fisheries where commercial netting contrasts with recreational angling. CCA chapters in other states, such as Florida, Texas, and Louisiana, have scored significant victories against commercial harvesters via anti-netting campaigns where commercial and recreational fisheries are more divided.

For DMF and the Commission, the hearings served to reveal anxiety - even fear - among some recreational fishermen for the future of striped bass. Given the decline of some popular groundfish species, some anglers feared bass stocks could be subjected to commercial overfishing. But according to DMF's Director, the Atlantic States Marine Fisheries Commission Striped Bass Management Plan is a conservative plan for managers to use as a model to recover other depressed fish stocks. He urged the petitioners and the concerned public to learn more about the plan's safeguards against overfishing and welcomed them to contact DMF for more information. The Striped Bass Plan is an "adaptive plan" meaning annual stock assessments are conducted allowing timely changes to each state's fishing rules when warranted.

Consequently at its June 6 meeting, the Commission approved rules similar to last year's: commercial quota of 718,000 lbs. (750,000 minus the 1995 overage of 32,000 lbs., a conservative quota since the plan allocates Massachusetts 802,000 lbs.); a July 1 opening; a three week open and one week closed schedule until the annual quota is reached; and a 34" minimum size. The state's commercial quota is expected to be filled by early September, as in 1995.

Recreational fishermen are still limited to 1 fish per day and the same minimum size of 34". These rules are more restrictive than most coastal states. From Rhode Island south to North Carolina, anglers in coastal fisheries are allowed 2 fish per day with a minimum size of 28".

*by Daniel McKiernan*

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## **Sportfisheries Program News**

### **Massachusetts Salt Water Fishing Derby**

We remind anglers that each year the DMF's Sportfisheries Program sponsors the annual contest that runs from March 1st to November 30th and is open to men, women and children of all age groups. There are no entry fees and pre-registration is not required.

Twenty four coastal gamefish species are eligible for entry in the derby. The fish must meet the minimum weight specifications listed below.

<u>Eligible Species</u>	<u>Minimum WT (lbs.)</u>	<u>Eligible Species</u>	<u>Minimum WT (lbs.)</u>
Bluefish	010	Mako Shark	100
Blue Marlin	250	Pollock	020
Bluefin Tuna	300	Scup	002
Blue Shark	150	Sea Bass	003
Bonito	007	Striped Bass	030
Cod	025	Swordfish	150
Cusk	020	Tautog	008
False Albacore	010	Weakfish	010
Fluke	005	White Marlin	060
Haddock	008	Winter Flounder	002
Halibut	050	Wolffish	020
Mackerel	002	Yellowfin Tuna	050

Fish entered must be caught in a fair and sporting manner on hook and line and must be weighed and measured at an official weigh-station on a certified scale. Weigh-masters can be found at most local marinas and tackle shops. Weigh-masters will provide the official entry form which you should then mail to:

**Massachusetts Saltwater Fishing Derby**  
**PO Box 1268, Sandwich, MA 02563**

Entries must be received within 30 days of catch and postmarked no later than December 10th. All qualifying entrants will receive an enameled pin depicting the agency's codfish logo and the Sportfisheries Program's new "Massachusetts Saltwater Fishing Derby" poster. At the end of each derby year, trophies are awarded to anglers who landed the heaviest fish in each of the 24 species categories. Winners are chosen in three divisions - men, women, and junior (age fifteen and younger).

All weigh-stations have been provided with a copy of the current list of state-record holders. When applying for a new state record your affidavit must be accompanied by a clear photograph of your catch with your name, address and telephone number on the back. For more information contact Drew Kolek at (508) 888-1155.

**DMF Dedicates Vineyard Beach**

The Sportfisheries Program will host a public dedication ceremony on August 24 to celebrate DMF's acquisition of the so-called "Leland Beach" property on Martha's Vineyard. The property was acquired in 1993 for the primary purpose of preserving fishing access to the legendary surf-fishing waters of Wasque point. It encompasses over 100 acres and one half mile of prime beach-front on Chappaquiddick Island, and will aptly be named Chappaquiddick State Beach. We are planning for Governor Weld to take part in this ceremony. A Press Release announcing exact time and site will be forthcoming.

**New Artwork Features Seven Popular Species**

The Sportfisheries Program commissioned renowned nature artist, John Rice, to create an ink and water color rendition of seven popular species. His work has been featured on covers of national sportfishing publications including Saltwater Sportsman. Rice produced a stunning work, entitled "Massachusetts Sportfisheries." This artwork will be featured in several of the Program's promotional materials during the coming year. Saltwater Fishing Derby Division winners will be awarded signed limited edition prints, and the artwork will be incorporated into a full-size poster promoting the Derby.

**New Sportfishing Guide Available**

The Sportfishing Program has produced a new version of its popular "Massachusetts

Saltwater Sportfishing Guide." With more than 1,900 miles of coastline, the state offers some of the finest saltwater fishing in the country. The diversity of marine habitats supports a fascinating and exciting array of species. Long famous for record-sized striped bass and giant bluefin tuna, the waters of the Commonwealth contain a variety of other highly prized fishes including flounder, cod, bluefish, tautog and scup. Countless tide rips, beaches, embayments, bridges and jetties provide unlimited fishing opportunities for boat and shore-based anglers. Launching sites, tackle shops and charter and party boats are available along Massachusetts' entire coastline to accommodate the resident and visiting fisherman. This booklet is a guide to these activities.

We've arranged the guide geographically. You'll find information listed from Salisbury (at the 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. Write or call Noreen Whitaker at DMF's Boston office, 617-727-3193 ext. 371.

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### **Making A Splash!!!**

#### **Campaign Kick-Off a Huge Success!**

The ***Making a Splash! Campaign***, promoting the good taste and good value of fresh, locally-caught fish (Cape Shark, Mackerel, Red Hake, Whiting and Herring) kicked off at the Boston Harbor Hotel on June 25th with an elegant seafood tasting event. Some of Boston's top chefs, as well as Sefatia Romeo of the Gloucester Fishermen's Wives Association and Paul Amaral of the Culinary Arts Program at the Greater New Bedford Regional Vocational Technical High School served up their tasty and original creations of the five fish to invited guests. Some favorites were Herring Stuffed Mushrooms, Baked Red Hake stuffed with Goat Cheese, a traditional Portuguese seafood salad featuring Cape Shark, and Balsamic and Basil Glazed Atlantic Mackerel. There was a great turnout, including Lt. Governor Paul Cellucci, Environmental Affairs Secretary Trudy Coxe, Senator Bruce Tarr of Gloucester, fishing industry VIP's and the media. The Associated Press attended and ran a story over the wire that was picked up by newspapers across the state.

#### **Watch For Upcoming Media Coverage!**

The Campaign has received some great coverage \_ and we expect more! We hope you've seen and heard the stories on the Campaign and the five fish on **Chronicle (Ch. 5), WBUR Radio (Morning Edition), the Boston Herald, Gloucester Times, New Bedford Standard Times, Cape Cod Times, and more!** Watch for more stories coming in your local papers and radio. And, look for these scheduled stories in August and September: **Worcester Telegram & Gazette, Patriot Ledger, TV Food Network** (a national 24-hour network on cable TV) and even **ABC Nightly News (the American Agenda)**. ABC Nightly News will primarily feature the Gloucester Fishermen's Wives Association and will highlight their in-store demo program for herring being coordinated by the ***Making a Splash! Campaign***.

#### **Herring In-Store Demos Are a Hit at Local Supermarkets!**

The Gloucester Fishermen's Wives have been providing Bread & Circus shoppers with samplings of delicious herring recipes at weekly in-store demos across the state. They have received rave reviews... consumers love the Herring Parmesan. Captain Marden's Fish Market in Wellesley will also host in-store demos in August. The Gloucester Fishermen's Wives are available now through October. If you know of a fish market or supermarket who would be interested in having free in-store demos, call us at **(617) 268-1380**. The Gloucester Fishermen's Wives will travel anywhere in the state and provide all food and staffing for the in-store demo at no cost to the host store.

**The Phantom Gourmet Seafood Video** is available by calling **1-800-298-1566**. Watch top Boston chefs prepare original seafood dishes that you can cook at home. For \$19.95 you will receive the video, 3 x 5 recipe cards of the dishes and a list of Campaign Partner Restaurants, Supermarkets and Fish Markets. If you are bored with the same old seafood, this video is for you!

**The *Making a Splash!* Campaign, sponsored by the Massachusetts Governor's Seafood Task Force, is a "buy local/buy fresh" seafood campaign designed to help the beleaguered fishing industry create new consumer markets locally for under-appreciated, "undiscovered" Massachusetts fish, abundant in local waters.**

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### **DMF Raises Concerns About Proposed Scup Quotas**

The Mid-Atlantic Fishery Management Council (MAFMC) and Atlantic States Marine Fisheries Commission (ASMFC) continue to use commercial quotas as a way to control fishing mortality and rebuild overfished stocks of fish along the coast. Since 1993, summer flounder (fluke) has been managed by quotas, and the perceived success of this strategy has convinced the Council and ASMFC to apply a similar strategy to scup and black sea bass. For [Loligo](#) squid the Council in a recent federal management plan amendment included a seasonal quota strategy to "insure that sufficient escapement from the winter offshore [Loligo](#) fishery occurs to allow for traditional inshore fisheries and to provide adequate spawning stock biomass." DMF has argued that this strategy be developed before the winter offshore fishery begins this October.

The issue of "shares" is paramount, not only in the squid fishery but in other fisheries as well. The question of how to preserve historical shares of a fishery for each state (from Massachusetts south to North Carolina) while attempting to rebuild stocks by cutting fishing effort and mortality, is very elusive.

Difficult questions arise: What defines "historical?" What years should be used in establishing shares based on states' past landings? How accurate are the landings' records in each state - a critical question for a state where all past commercial landings have not been accounted for? If stocks are overfished, why should states with higher past landings receive larger percent shares, when those states' landings contributed to overfishing? If a state's landings were less than other states' landings due to fisheries restrictions in that state and not in others, why should the conservation-minded state be penalized with a smaller quota share? How can quotas be justified when the amounts of fish discarded and dead as by-catch in non-directed fisheries equals or exceeds landings from directed fisheries?

The Council and ASMFC are now trying to answer these questions for the next species to be managed through quotas. The Scup Management Plan, just adopted by the Council and ASMFC, soon will be implemented by the National Marine Fisheries Service. The Plan calls for a quota for 1997, to be divided between commercial and recreational fishermen. Once divided, with a 70% commercial and 30% recreational uneven split based on "historic" proportions, the commercial quota will be applied coastwide.

While at first a seemingly sensible way to control scup fishing mortality, the quota management approach applied to scup raises serious questions about equity for Massachusetts' and other New England states' fishermen. Specifically, commercial fishermen who target scup might have to live by a quota that is far less than the amount discarded in other fisheries, such as small-mesh otter trawl.

Furthering the commercial fishermen's plight is the Council's strategy for 1997 that will reduce commercial quotas by deducting estimates of discards. This action could reduce the proposed 13.13 million lbs. coastwide commercial quota to just 5.64 million lbs. to account for an expected 7.49 million lbs. of discards! Council logic is that this strategy provides great incentive for scup fishermen to reduce their discards since the commercial quota would rise with less discarding.

This logic has a fatal flaw because each gear type has its own rate of discards and survival rate for released scup. And most sea sampling data available for scup discard rates has been gathered on small-mesh trawlers, probably the worst offenders for discards. But in Massachusetts' inshore fishery, trawlers' contribution to scup landings has declined. In our fishery, scup are caught primarily by weirs, pots, and handlines, with trawlers waning in importance since DMF implemented night closures to trawling (1992), a reduced vessel size limit (1995), and large mesh for scup trawlers (4 1/2") to maximize escapement (1992). Weir, pot, and hook and line fisheries have very little, if any discard mortality. Their catches of small and sublegal fish are usually released alive. Even trawlermen who target scup will be frustrated if they decide to increase their net mesh size to reduce discards but find their conservation efforts cancelled out by discards elsewhere.

These issues and questions were raised with NMFS Regional Director, Dr. Andrew Rosenberg, in July 15 DMF comments on proposed NMFS regulations implementing the Scup Plan. The Council and ASMFC already recognize that their quota for 1997 will be taken rather soon in 1997, perhaps by April, unless trip limits are adopted or some other type of quota management approach is substituted for the region-wide quota concept. DMF has asked NMFS to postpone implementation of the quota until ASMFC can develop a better alternative. Those discussions are ongoing.

By our next newsletter due out in November, we should know what's ahead for scup commercial fishermen.

*by David Pierce*

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## **Lobster News**

### **New State Law Limits Netters' Lobster Landings**

After many years of dragging around the State House, a bill restricting the landing of lobsters by vessels "taken by any method other than pots or traps" was signed into law by Governor Weld on August 2, 1996. Effective November 2, 1996, these vessels may land in Commonwealth ports no more than 100 lobsters in a 24 hour period with a maximum of 500 lobsters within a period of 7 consecutive days. This law focuses on trawlers landing lobsters from federal waters and does not alter the current state law which prohibits dragging (trawling) for lobsters in state waters.

This law (Chapter 218 of the Acts of 1996) represents a compromise between the desires of the lobster pot fishermen - specifically, the Mass. Lobstermen's Association - who sought a complete ban on trawlers landing lobsters, and the trawlermen who have traditionally landed legally-caught lobster bycatch taken in federal waters. When originally proposed, this bill would have enacted a Maine-like ban on trawlers landing lobsters. Opponents argued that such a blanket prohibition would have driven trawlermen to land their catch (fish and lobster) in other states. They cited examples of Maine trawlers that land lobsters and fish in Massachusetts ports. Also, constitutional concerns were raised when the bill called for a blanket prohibition on the landing of lobsters taken from federal waters where trawling is not prohibited.

Over the past several months, the lobster pot fishermen, trawlermen, legislators, and DMF staff have met to reach a compromise, resulting in the statute. DMF is required to draft regulations to implement the law within 90 days after enactment.

Although historically opposed to complete prohibitions on the landing of trawl-caught lobsters, DMF supported the bill given concerns that increased lobster catches would inevitably result. Trawlermen are expected to target species not protected by the recently approved federal groundfish regulations. This law is designed to prevent trawlers from directing their trips on lobsters, by limiting the taking of lobsters by non-trap fishermen to a reasonable bycatch that can be taken while fishing for other species.

Trawlers generally catch a suite of species; many are marketable such as traditional groundfish species and lobster, but many are not, such as low valued, undersized, or prohibited species. And to the vast majority of trawlers, lobsters represent an incidental part of their catch. Sea sampling data from federal and state Fisheries Dependent

Investigationss conducted over five years (1989-1993) reveal that on most trips lobster catch was quite low. Lobster catch was less than 150 lbs. (kept) per day on over 95% of observed trips. On half the trips, lobster catch was less than 15 lbs!

Sometimes catch rates can be much higher when trawlers fish in areas and times when lobsters are concentrated. Consider three examples where directed fisheries occur or bycatch of lobsters is more than incidental.

1. South of Nantucket, offshore migrant lobsters are abundant along Nantucket Shoals during summer/fall.
2. In deep waters of Mass. Bay and Cape Cod Bay in autumn, new-shell lobsters begin migrating offshore in response to dropping nearshore temperatures.
3. During late winter and early spring, mature lobsters (especially egg-bearing females) concentrate along the continental shelf edge, particularly along the canyons off Southern New England.

Trips in excess of 1000 pounds are common when trawlers fish during these times and places.

Are these fisheries problematic? Quite possibly. Any fishery that targets vulnerable concentrations of lobster or any species could have deleterious effects. Trawler peak catches have been observed during periods when lobsters molt and are in soft- or new-shell condition, and may be damaged or killed. Federal statistics show trawlers' catch rates are highest during the peak season of lobster shedding (July through October).

But the more controversial development in lobster trawling has been the expansion of the winter/spring offshore fishery along the continental shelf edge. Any fishery that targets mature female lobster could prove to be the knockout punch for the overfished lobster resource. It should be noted that a few trawlers have been fishing for lobsters offshore for decades, but it's the expansion and the extraordinary high proportion of females in the landings that concerns DMF.

How large are trawlers' lobster landings? For 1995, trawlers (and gillnetters) reported landing 912,000 lbs. in Massachusetts ports, and these lobsters were presumably caught in federal waters since state law prohibits lobster harvest by "spearing, dipping, or dragging" in state waters. These 912,000 lbs. account for 5.7% of total lobster landings in Massachusetts ports. This percentage is similar to regional estimates. Federal landings statistics show non-trap landings accounted for 2.5% of the total reported lobster landings during the past 10 years which includes Maine landings where trawler-caught lobsters are prohibited. Less the Maine landings, the remaining US trawl caught percentage is more reflective of the Massachusetts trawler/total catch percent.

How many Massachusetts trawlers have significant landings? A very small minority. Consider the following table describing 1993 landings:

Reported Landings		
Range (lbs.)	# Vessels	(pct)
0-999	177	(43%)
1,000-4,999	178	(43%)
5,000-9,999	041	(10%)
10,000-14,999	010	( 2%)
15,000-24,999	005	( 1%)
25,000-39,999	003	(lt1%)

These data are derived from fishermen's catch reports signed under the pains of perjury, and as you can see, the overwhelming majority catch less than 5,000 lbs. per year. Lobsters clearly do not constitute a full-time directed fishery, but a component of a saleable bycatch

The issue of taking and landing lobsters by trawlers has been hotly debated in federal circles for years. Currently, the Atlantic States Marine Fisheries Commission is drafting a management plan for the lobster fishery. This new law signed by the Governor would allow the federal plan to supersede the landing limits imposed in this bill once the plan is implemented. However, the developing Atlantic States Marine Fisheries Commission lobster management plan amendment likely will not eliminate lobster trawl bycatch. There are too many states with lobster trawl landings that will want to continue this activity. However, it

is likely that the plan will contain restrictions on bycatch and address any directed fishery expansion.

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### **New Method Will Detect Lobster Eggs Removal**

A new method for the illegal removal of lobster eggs has fisheries managers in an uproar. This method has offered another challenge to state biologists at DMF's Lobster Hatchery and Research Station. This state facility - the oldest operating lobster hatchery in the world - since 1949 has liberated millions of small lobsters into coastal waters and has conducted many experiments involving lobster genetics, growth rates, artificial diets, behavior, hybridization, and polyculture.

It is illegal to remove eggs from lobster swimmerets, yet some especially shortsighted and foolish fishermen catching lobsters continue to "scrub" females. Previously, egg masses were removed by a stiff deck brush or high-pressure water hose, but this method was easily detected by trained law enforcement officers looking for residual cement attached to swimmeret hairs. Although it's easy to remove eggs, it's impossible to remove all of the cement. DMF's Hatchery and Research Station biologists teach detection methods to local, state, and federal law enforcement officials. Now the Hatchery has had to take on a new research task created by the practice of dipping eggers' tails in a solution of bleach and seawater. This dipping causes cement to dissolve and confounds law enforcement. A one-minute dip removes the entire egg mass; lobsters appear to be completely clean and legal.

Working with Dr. Robert Bullis of the Laboratory for Marine Animal Health at the Marine Biological Laboratory in Woods Hole, DMF has developed a detection kit enabling law enforcement officers to quickly determine on a boat or at the dock whether lobsters have been dipped. An officer only needs to cut off a swimmeret and place it in a vial with 20 milliliters of deionized water and one gram of potassium iodide.

A dipped lobster's swimmeret will turn the clear solution yellow. The vividness of the color is affected by the number of days after dipping, and the degree of color change can be determined and recorded as evidence with use of a spectrophotometer - an instrument used to detect colors not visible to the naked eye.

With Environmental Police and Coast Guard Officers now using this enforcement tool, we expect this shortsighted, illegal, and inexcusable practice of dipping will be deterred. Protection of egg bearing females is critical to the perpetuation of lobsters and scientists recommend that the numbers of egg-bearing females in the population needs to be increased to prevent potential stock collapse. See related article.

This test was developed with support of DMF, the Woods Hole Oceanographic Institution Sea Grant Program, the University of Pennsylvania Research Foundation, the National Fisheries Institute, and the Lobster Institute of Maine.

*by Mike Syslo, Lobster Hatchery Chief*

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### **Lobster Value Reaches Record Levels in 1995**

The Division's Statistics Project has released its annual publication based on information taken from lobster catch reports. Massachusetts lobstermen encountered near record landings and higher ex-vessel prices for 1995. Commercial lobster landings in the Commonwealth were 15,949,000 pounds in 1995, down only 1.5% from 1994 but, still near the record-setting year of 1990. Territorial waters off Massachusetts provided the bulk of the harvest with landings of 10,023,000 pounds. Federal waters outside the three-mile territorial sea produced 5,518,000 pounds. Of these landings, 4,960,000 pounds were harvested from lobster traps, while mobile gear vessels (trawlers) accounted for the remaining 912,000 pounds.

Lobstermen received a statewide average price per pound of \$3.12 in 1995 which signaled

a substantial 7% increase over last year. This price was the principal driving force behind the record setting \$49.8 million value for 1995 landings. Statewide price and value data were taken from the nearly completed random selection and audit of active lobstermen. Approximately 15% of active lobstermen were required to submit their dealer receipts, personal logs, and tax information to corroborate and substantiate information submitted on their catch reports. The audit calculates and processes thousands of dealer transactions, and it is the primary means for tracking daily and annual prices of lobster landed in the Commonwealth.

For more information, contact DMF's Statistics Project, Cat Cove Marine Laboratory, 92 Fort Avenue, Salem, MA 01970 or call Jon Pava at 508-745-3113 Ext 104.

*by John Pava*

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### **New Federal Report Examines Lobster Stock Status and Critiques Assessment Methods**

An independent panel of experts has examined lobster population dynamics and assessment techniques and supported scientists' claims that lobster stocks are overfished. All three of the established stock units for American lobster were examined - Gulf of Maine, Southern Cape Cod to Long Island Sound, and Georges Bank-Offshore. The Gulf of Maine and Southern Cape Cod-Long Island stocks are well in excess of the overfishing level, and the Georges Bank-offshore stock is considered approaching the overfished level.

The 5-member panel of experts, chosen from around the U.S. as well as Canada and the United Kingdom, held a 5-day workshop in Rhode Island in March. They reviewed technical analyses from state and federal lobster scientists and testimony from industry representatives.

Despite scientists' warnings about overfishing, lobster landings have increased over the past few decades to record levels. This contradiction prompted many in the industry and some scientists to doubt the validity of the overfishing claims. So the National Marine Fisheries Service convened the panel to critique the assessment. Undoubtedly, some in the industry had hoped a fresh look at the stock assessment would halt plans for new restrictions to reduce fishing. There is such a precedent. In 1994 scheduled bluefin tuna quota reductions were dropped after a National Academy of Sciences Peer Review Panel challenged assessment techniques and conclusions regarding a decline in bluefin tuna stocks.

However, the panel agreed with the current assessment that stocks are overfished. The panel saw evidence of "growth" overfishing, where lobsters are being caught at sizes too small to capitalize on potential growth. But even more important, the panel supported the current overfishing definition and a need for a minimum amount of reproductive females in the population to prevent stock collapse. The standard of F 10% - where the level of egg production should be at least 10% of that of an unfished population - was supported by the panel. The panel cited other crustacean fisheries where collapses occurred without warning: Newfoundland lobster and Bristol Bay red crab. The Bristol Bay crab collapsed suddenly within just two years after 15 years of increasing landings. Juvenile and adolescent lobster are notoriously difficult to monitor so scientists fear that given the 5-7 year lag between larvae and adults at harvestable size, recruitment failures will be sudden and will devastate the industry. The panel noted that current egg production is dependent on very small lobsters inshore and large lobsters offshore. The panel suspected large lobsters offshore are providing a "reproductive subsidy" for inshore areas, and they warned against increased fishing offshore.

The panel concluded that increases in lobster catch since the 1970's have been attributable to increases in fishing effort: more fishermen, more traps, efficient traps, and electronic advancements all have allowed fishermen to fish more intensely and farther from shore to less exploited areas. But they also found evidence of increased lobster abundance (recruitment) since the mid-1980's that contributed to record catches.

The panel noted the absence of a strong relationship between fishing mortality and fishing effort at this time. This could be problematic for fishery managers since future reductions in fishing mortality will likely be accomplished through restrictions affecting fishermen's fishing effort (e.g. maximum number of traps or closed seasons). They suggested that the

first practical step would be to establish a fishing effort ceiling: a conservative trap limit per vessel, not a liberal limit so far above the mean number of traps fished to allow a subsequent increase in effort.

A number of research recommendations were suggested by the Review Panel and were detailed in its report. Limited copies of the report are available. For more details, contact DMF.

*by Dan McKiernan with contributions from DMF Lobster Biologist Bruce Estrella.*

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### **Ph.D. on PCBs: Seafood Safety Policy and Guidance**

DMF Senior Biologist David Pierce received a Doctor of Philosophy degree from the University of Massachusetts at Boston this past June. David pursued his Ph.D. in Environmental Sciences on a part-time basis for 13 years while working full-time for DMF. He successfully defended his dissertation entitled: [Policy and Guidance for Seafood Safety Risks Posed by Polychlorinated Biphenyls \(PCBs\) and Related Organochlorines](#). David, co-editor of the NEWS, is a longtime DMF fisheries biologist serving as the Director's designee or as the agency's appointed representative at fishery management council and Atlantic States Marine Fisheries Commission (ASMFC) meetings.

David critiqued human health PCB effects cited in the first Massachusetts PCB public health advisory in 1977, neonatal (fetus and newborn) effects assessed throughout the 1980s, and non-cancer effects suggested and highlighted in the 1990s. He detailed DMF's history of involvement with PCB contamination of seafood, and he concluded that if DMF only reacts to seafood contamination events as they unfold, the agency will minimize its usefulness in ensuring that Massachusetts' seafood reputation as a safe and wholesome food is maintained. DMF will isolate itself from those agencies and organizations subscribing to the belief that seafood with PCBs and related organochlorines poses unacceptable health risks. David identified hindrances and impediments for DMF assuming a new and increased role.

The major conclusion of his dissertation was that this increased involvement should entail developing policies to serve as a basis for guidance for seafood consumers and other target audiences especially ASMFC – the forum for cooperative interstate fisheries management, research, and education. He recommended a set of policies and provided two guidance documents. A long version, with a question and answer format in a conversational style, has an intended audience of other state fisheries management agencies and ASMFC. The audience includes the media and those willing to delve a little deeper into the issues. Another version is tailored for those seeking a shorter, more concise explanation.

David emphasized that his suggested policies and guidance should not be construed as official DMF policy and guidance or that DMF agrees with his views. His ideas were offered as a way to renew discussion within DMF and ASMFC.

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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**

### **Rules UPDATE**

Public Hearings / Regulations / Legislation

Volume 6 Number 3

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[Regulatory Update: including \*Flounder, Striped Bass, Lobster, and Fluke\*](#)

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### **Notice of Public Hearings Massachusetts Marine Fisheries Commission Public Hearings Scheduled for August 26 and 27, 1996**

Under the provisions of G.L. c 30A and pursuant to the authority found in G.L. c 130, ss. 2, 17A, 80, 100A, and 104, the Marine Fisheries Commission has scheduled two hearings to discuss the following:

- 1) **DMF proposal to amend sea herring spawning closure regulations** (322 CMR 9.00) to allow herring caught in waters outside the Gulf of Maine (e.g. from Georges Bank or Southern New England) to be landed in Massachusetts during the three week October spawning closure. The current sea herring spawning closure dates back to 1983 when DMF enacted the closure in concert with Maine and New Hampshire to protect spawning herring in the Gulf of Maine.
- 2) **DMF proposal to amend Coastal Access Permits regulations** (322 CMR 7.05) to allow old vessels to obtain Coastal Access Permits to fish mobile gear in state waters. DMF proposes to allow access to state waters to vessels at least 50 years old that held a Coastal Access Permit in 1994 and can provide evidence of fishing in state waters during 1989-1992. Some of the oldest vessels in the fleet were excluded from state waters by the 72 ft. maximum vessel length regulation enacted in 1995. By virtue of their age these vessels typically have lower fishing power than other newer vessels of similar length. DMF further proposes that permits issued these vessels could be transferred once the vessel is no longer in service only to a smaller vessel that meets the length and other performance requirements in place at the time of transfer.
- 3) **DMF proposal to complement recent federal regulations by restricting commercial fishing in state waters north of Marblehead, 42° 30'**. The first proposal would prohibit all commercial fishing for regulated groundfish species during November 1 - December 31. This closure complements the recently enacted "Midcoast Area Closure" of Amendment #7 of the federal groundfish plan. The second proposal would mandate that during Sept 15 - October 31 any sink gillnet set in the area must have acoustic alarms, known as "pingers", attached to the net. This action complements federal action to reduce harbor porpoise by-catch.
- 4) **DMF seeks comments on a recent emergency action that amended striped bass commercial regulations**. The 1996 season was opened on July 1 with the same quota as last year of 750,000 lbs. The action also created a mechanism whereby any previous year's overage will be deducted from the following year's quota. Consequently the 1996 commercial quota will be just 718,000 lbs., a reduction of 32,000 lbs. to account for last year's overage.

#### **Two hearings have been scheduled:**

1. Monday August 26, 1996 at 7:00 p.m. at the Mass. Maritime Academy Auditorium in Buzzards Bay and
2. Tuesday August 27 at 7:00 p.m. in the Friend Room in the Sawyer Public Library in Gloucester.

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## **Regulatory UPDATE**

**During the period June - August the following decisions were made by DMF and the Marine Fisheries Commission.**

**Striped bass gamefish petition rejected.** The 1996 commercial season was opened on July 1 and the Director used his emergency authority to enact rules to deduct poundage from this year's quota to compensate last year's overage. Consequently, this year's commercial quota will be just 718,000 lbs., down from 750,000 lbs. to account for last year's 32,000 lb. overage. See article by Dan McKiernan in DMF News. The quota is expected to be filled around Labor Day. As in past years, commercial fishermen will be prohibited from selling bass once the quota is reached and wholesale and retail dealers will be allowed 5 days to liquidate their inventories. Permission may be granted to dealers who seek to freeze and maintain inventory beyond the 5-day deadline but this product may only be destined for shipment out of state, not sold in Massachusetts. Additional rules apply regarding record keeping. Contact DMF for details. After the closure, wholesale and retail dealers may not sell striped bass again in Massachusetts until December 1 when only bass legally-caught out-of-state and properly tagged may be sold in Massachusetts.

**Mt. Hope Bay winter flounder regulations amended** to 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. Furthermore, no commercial harvest will be allowed during any time of the year in this area. Rhode Island allows a limited quota managed commercial fishery in Narragansett Bay, but no complementary program was considered in Mt. Hope Bay.

**Cod and haddock rules changed for recreational fishermen to complement recent federal regulations changes.** Minimum size for these species for recreational anglers increased 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 was established.

**Lobster regulations amended** to prohibit the possession of lobsters treated with certain chemical solutions that may result in the removal of eggs. This rule clarified state law (M.G.L. Chapter 130 sec. 41) that prohibits the possession of "female lobsters from which eggs have been removed other than natural hatching". See DMF News article by DMF's Mike Syslo, Lobster Hatchery Chief.

**No action was taken on surf clam management proposals** received from eleven coastal towns. DMF intends to study the proposals and make formal recommendations this fall to the Commission. Expect final proposed regulations to be drafted by DMF and then aired at November public hearings.

**Annual Mass. summer flounder (fluke) commercial quota reached on August 9** . As of August 10, Commercial fishing and landing of summer flounder is prohibited through the end of the year.

This summer fluke season did not meet fishermen's expectations, as they were squeezed by a shorter season and reduced fish prices. After the federal quota was reduced by 25% among all states Massachusetts annual quota was reduced from about 1 million lbs. to 750,000 lbs. The one-week winter opening resulted in about 180,000 lbs. landed. When the summer fishery was opened, about 550,000 lbs. remained on the annual quota. Even

with this year's trip limits the same as last year's (300 lbs./day), the season was shortened considerably due to increased effort and participation. During this 8-week summer season (June 17 - August 9), statewide weekly landings averaged 65,000 lbs. up from 50,000 last year. Last year's summer fishery season lasted 14 weeks (June 1 - September 9). Fishermen were disappointed by unexpectedly low dockside prices. According to many dealers, fluke export markets were very weak this summer and prices fell to about half of those seen last year.

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### **Legislative UPDATE**

**"Lobster Dragging" bill signed by Governor Weld on August 2, 1996.** See DMF News article for a detailed account. The bill limits lobster landings for commercial vessels using methods "other than pots or traps." Also the bill increases criminal penalties for violating lobster minimum size law (ch. 130 s44). Formerly the fines for a first offense was punishable by a fine of \$25 to \$50 for first offense and \$50 to \$100 for subsequent offenses. The new penalties established by the law will be \$100 to \$500 for first offense and \$500 to \$1000 for subsequent offenses.

Also the bill directs DMF to promulgate regulations in the future if lobster landings by non-trap fishermen exceed 6% of the state's total commercial lobster landings. Finally, the law directs DMF to investigate the and recommend to the Legislature the feasibility of instituting a maximum lobster size. Note: Maine currently bans the landing or possession of lobsters larger than 5" carapace length, as a means to increase spawning stock.

This bill was sponsored by Senator Robert Durand (D-Marlborough) and Representative Steven Angelo (D-Saugus), Additional legislators who developed this compromise include: House Natural Resources Chairwoman Barbara Gray (D-Framingham), Senators Robert Antonioni (D-Leominster), Mark Montigny (D-New Bedford), Bruce Tarr (R-Gloucester) and Representatives George Peterson (R-Grafton), John Quinn (D-Dartmouth), Bill Straus (D-Freetown), Tony Cabral (D-New Bedford), Joe McIntyre (D-New Bedford) and Tony Verga (D-Gloucester).

**Congratulations to Senator Robert Durand** (D-Marlborough) who accompanied the Governor on the shore of the Charles River for the signing of the **Rivers Protection Act** into law on August 8, 1996 after 7 years of championing the bill. The law amends the existing Wetlands Protection Act and will prohibit new development within 200 feet of a river unless the applicant can demonstrate that there will be no significant adverse impact on the riverfront and that there is no practicable alternative and substantially equivalent economic alternative with less adverse effects. After signing the bill, Governor Weld and Senator Durand swam a victory lap in the Charles River as onlookers basked in the 90-degree heat. Natural Resources Chairwomen Lois Pines (D-Newton) and Barbara Gray (D-Framingham) along with Representatives David Cohen (D-Newton), Jay Kaufman (D-Lexington), Pam Resor (D-Acton) and Doug Petersen (D-Marblehead) were instrumental in getting the bill through.

**Rep. Mike Cahill's** (D-Beverly) bill was enacted that amends the closed season for edible crabs from December - March to January - April. This change will allow lobstermen to fish later into the season by opening the month of December for the taking of edible crabs.

**Rep. Eric Turkington's** (D-Falmouth) bill was enacted that expanded the definition of "shellfish" to include "quarterdeck limpets" so the taking of these gastropod mollusks can be regulated by local communities consistent with other shellfish. DMF supported the bill.

Contact Priscilla Geigis for details at (617) 727-3193 xt 388.

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

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