

Coastal Waters Under the Jurisdiction of the Commonwealth: All the waters within the rise and fall of the tide extending out to three miles from an established coastal baseline and all the waters of Massachusetts Bay, Cape Cod Bay, and Nantucket Sound. It does not include the waters within or above any fish ladder or dam, or the waters above any tidal bound established by DEP in streams flowing to the sea.

Diver access to Commonwealth Tidelands - Massachusetts General Law, Chapter 91, Section 10D: No person shall be denied access during daylight hours to Commonwealth tidelands across any land available to the public for swimming or recreation which is owned or controlled by the Commonwealth or any of its political subdivisions for the purpose of SCUBA diving or skin diving which activities are hereby declared to be water dependent uses; provided, however, that if such tidelands are at any time closed to access by the general public, such access by such SCUBA diver or skin diver shall not be permitted.

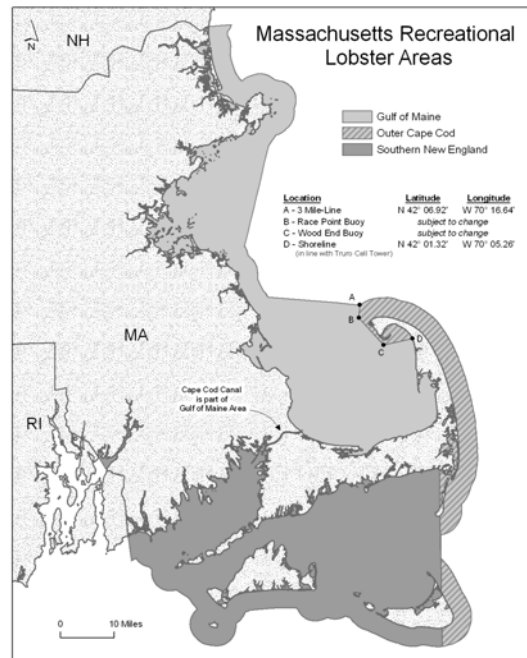
Dive FLAG - Massachusetts General Law, Chapter 90B, Section 13A. Every scuba diver or group of scuba divers while swimming on or under the surface of the waters of the Commonwealth shall display for each diver or group of divers as a warning device to boat operators, a diver's flag, so called, constructed of rigidly supported material at least twelve inches by fifteen inches in area of red background with a white diagonal stripe. Such diver's flag shall be displayed on a boat or surface float and shall extend a minimum distance of three feet from the surface of the water. Divers shall remain in an area within one hundred feet of such displayed diver's flag while at or near the surface of the water. A boat operator within sight of a diver's flag shall proceed with caution and within a radius of one hundred feet of such flag shall proceed at a speed not to exceed 3 miles per hour.

RECREATIONAL LOBSTER MANAGEMENT AREAS

Gulf of Maine Recreational Lobster Area means those state waters north of Cape Cod Bay to the New Hampshire border including waters of the Cape Cod Canal.

Outer Cape Cod Recreational Lobster Area means all state waters eastward of 70 degrees longitude off Nantucket and eastward and northward of Outer Cape Cod from Chatham to Provincetown's Race Point, including a portion of upper Cape Cod Bay as defined by a line drawn from the three nautical mile-line northwest of Race Point at 42 degrees 7 minutes latitude and 70 degrees 16 minutes longitude south to the Race Point Buoy then southeast to the Wood End Buoy and east to the shoreline at 42 degrees 01.32 minutes latitude and 70 degrees 05.26 minutes longitude.

Southern New England Recreational Lobster Area means those state waters west of 70 degrees and south of Cape Cod.



TAKING OF LOBSTER & CRABS

	<u>Minimu m Size</u>	<u>Maximum Size</u>	<u>Possession Limit</u>
Blue Crab	4 1/8" ⁽¹⁾	---	--- ⁽¹⁾
Edible Crabs Excludes green crabs	---	---	Same as blue crab
Lobster	Gulf of Maine Recreational Area	3 1/4" ⁽²⁾	5"
	Outer Cape Cod Recreational Area	3 3/8" ⁽²⁾	5 1/4"
	Southeastern Recreational Area	3 3/8" ⁽²⁾	---

- ⁽¹⁾ Blue crabs are measured across the shell from tip to tip of the posterior most, longest spines along the lateral margins of the carapace. Egg bearers cannot be taken; 50 crabs/day; no permit required unless using traps.
- ⁽²⁾ Carapace length is measured from the rear of eye socket parallel to the center line of the body shell. Divers are required to measure all lobsters in possession prior to surfacing. Mutilation of any lobster which affects its measurement or the possession of lobster parts shall be *prima facie* evidence that the lobster was less than legal minimum size.

PERMITS & CONDITIONS

A non-commercial lobster permit endorsed for diving is required of all individuals who recreationally dive for lobster in coastal waters. It also allows the holder to take edible crabs. No permit is required to take edible crabs (includes blue crab) for use by immediate family, provided that the number of crabs does not exceed fifty (50) in one day and that no pots or traps are used. Annual catch reports are required of all non-commercial lobster permit holders. These forms are provided by DMF and are also available online at www.mass.gov/marinefisheries. Renewal licenses will not be issued until a catch report has been filed.

To sell lobster or crabs, a commercial lobster permit is required; *Marine Fisheries* is currently not issuing new commercial lobster permits.

SEASON

Taking of Blue crabs and edible crabs is prohibited from January 1 through April 30.

GEAR MARKING

Divers must display their assigned number upon their air tank and a floating marker (upright single panel, at least 12" x 12", white background, black numerals at least 3" high, 1/2" in thickness or width of line on both sides of the marker). A group of divers may use only one floating marker listing the license number of each diver in the group.

PROHIBITIONS

It is illegal for anyone, except the owner, to handle, destroy or molest any lobster or crab pot or other fishing gear, including any gear swept upon the shore, beaches or flats whether public or private, or to take fish there from.

Taking of lobsters and crabs from one-half hour after sunset to one-half hour before sunrise is strictly prohibited.

Spearing, dipping or dragging for lobsters is prohibited.

Removal of eggs from lobsters is prohibited. Egg-bearing lobsters or lobsters from which eggs have been removed must be immediately returned alive to the waters from which taken.

LOBSTER V-NOTCH REGULATIONS

The right flipper will be examined when the underside of the lobster is down and its tail is toward the person making the determination.

Non-commercial fishermen fishing, transiting, or landing lobster in:

Gulf of Maine Recreational Lobster Area are required to release any female lobster bearing a v-shaped notch of any size with or without setal hairs.

Outer Cape Cod Recreational Lobster Area are required to release any female lobster bearing a straight-sided triangular cut without setal hairs at least 1/4" in depth and tapering to a sharp point without setal hairs.

Southeastern Recreational Lobster Area are required to release any female lobster bearing a straight-sided triangular cut without setal hairs at least 1/8" in depth and tapering to a sharp point without setal hairs.

V-notched female lobsters must be immediately returned alive to the waters from which taken.

It is unlawful for any person to possess a female lobster that is mutilated in a manner that could hide, obscure or obliterate such a mark.

RECREATIONAL DIVING FOR SHELLFISH & URCHINS

<u>Species</u>	<u>Closed Season</u>	<u>Limit</u>	<u>Min. Size</u>
Bay Scallops	4/1-10/1	Consult town	Well defined growth ring
Conchs	---	Consult town	2 3/4" width
Oysters	---	Consult town	3"
Soft-shell Clams	---	Consult town	2"
Sea Scallops	---	1 Bu/day with shells or 4 quarts of shucked meat	3 1/2" ht
Surf Clams	---	Consult town	5'
Quahogs	---	Consult town	1" thickness
Sea Urchins	---	Consult town	2" excludes spines

PERMITS & REGULATIONS

The taking of shellfish is subject to the control of the cities and towns. Consult local authorities for regulations and permits. *Marine Fisheries* has authority to regulate surf clams, ocean quahogs, and shellfish taken from contaminated areas. A special regulated fishery permit is required for harvesting surf clams, ocean quahogs and sea urchins for commercial purposes.

To sell shellfish, an individual must possess a town/city commercial shellfish permit, a state commercial fisherman permit endorsed for shellfish, and a shellfish ID card issued by the Division of Marine Fisheries.

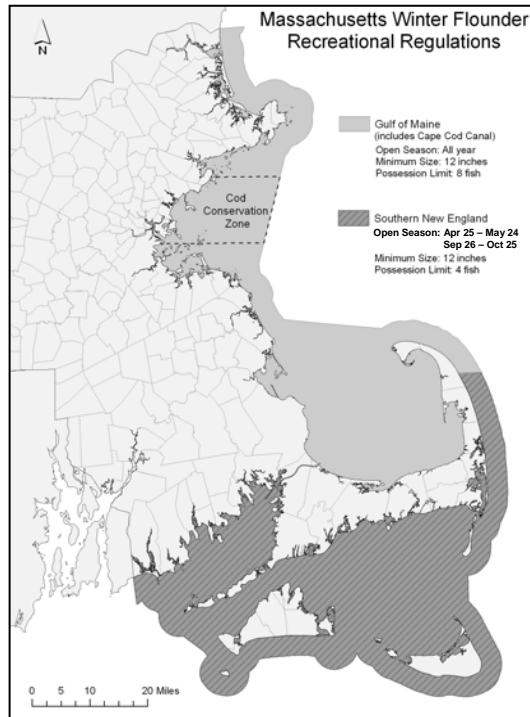
Recreational diving for conch and sea scallops in state waters is allowed without a permit, but check with town regulations. If harvesting sea scallops in a contaminated area, they must be shucked at sea.

A commercial permit endorsed for scallop diving must be obtained for any diver taking sea scallops for commercial purposes or for those exceeding the recreational bag limit. Every diver aboard a vessel where the amount of scallops present exceeds the recreational bag limit must be commercially permitted. These permits are not available to non-residents unless their state allows similar access to Massachusetts residents to sea scallop dive fisheries.

Gulf of Maine Winter Flounder Stock Area (GOM) are those waters under the jurisdiction of the Commonwealth north of

Cape Cod from the New Hampshire border south to Cape Cod including waters east of Cape Cod north of the 42° line and all of Cape Cod Bay and the Cape Cod Canal that is bounded to the west by a line drawn from the Massachusetts Maritime Academy to the Bell's Neck Rd./Tidal Flats Recreation Area. The GOM Area also includes all estuaries and salt ponds that drain to these waters

Southern New England Winter Flounder Stock Area (SNE) means those waters under the jurisdiction of the Commonwealth east of Cape Cod south of 42° and south of Cape Cod and the Islands including Buzzards Bay, Vineyard Sound and Nantucket Sound. The SNE area includes in the County of Barnstable Pleasant Bay and Nauset Harbor, including all connecting embayments. The SNE area also includes all estuaries and salt ponds that drain to these waters.



DMF TAGGING PROGRAMS

Periodically *Marine Fisheries* conducts tagging studies of a particular finfish species to develop a better understanding of local movements, habitat preference, migration, growth, and general abundance. The diver/angler plays a significant role in retrieving valuable data. Carefully examine your catch for tags. If found, record the tag number if returning fish to water, or snip off the tag if keeping fish. Contact the address printed on the tag and you will be briefed on the tagging study and may even receive a reward. Recently, snapper bluefish, striped bass,

winter flounder, cunner, lobster and black sea bass have been tagged in our waters.

SPEARFISHING

Species	Note	Closed Season	Limit	Min. Size
Black Sea Bass		---	*20	12"
Bluefish		---	*10	---
Atlantic Cod	1			
Cod Conservation Zone (CCZ)		4/1 – 10/31	10	24"
		11/1 – 11/30	2/per	24"
		12/1 – 2/28	Closed	
		2/29 – 3/31	2/per	24"
North of Cape Cod		4/1 – 10/31	10	24"
		11/1 – 3/31	2/per	24"
South of Cape Cod		All year	10	24"
Dabs		---	---	14"
Eel	2	---	*50	6"
Grey Sole		---	---	14"
Haddock	1	---	---	19"
Monkfish		---	---	17" [†]
Halibut		---	1	36"
Pollock		---	---	---
Redfish		---	---	9"
Scup	3	*10/1-4/30	*25	*10 1/2"/9"
Summer Flounder	4	6/10 – 8/15	*5	*17.5"
Tautog			*3	16"
Weakfish		---	*10	16"
Windowpane		---	---	12"
Winter Flounder		See graphic to left		12"
Yellowtail Flounder		---	---	13"

* - refers to recreational fishing only

[†] - 11" minimum size for tails if landed separately

- Consult NOAA Fisheries web site at www.nero.noaa.gov/nero for possession limits for party/charter boats fishing the EEZ.
- Subject to regulation by *Marine Fisheries* and local community. Consult local regulations.
- Anglers aboard private vessels or fishing from shore are limited to a 25 scup daily possession limit (maximum of 50-fish per vessel with two or more persons aboard). Anglers aboard for-hire vessels are limited to an 11' size limit and 45 scup daily possession limit from May 15 through June 28 and a 10 scup daily possession limit from June 29 through September 17.
- Summer flounder has varying commercial possession limits, see 322 CMR 6.28 for details.

Finfish are measured as the greatest **straight** line (not curved over the body) length in inches as measured on a fish with its mouth

closed from the anterior tip of the jaw or snout to the farthest extremity of the tail. For fish with forked tails, the upper and lower fork may be squeezed together to measure the tail extremity. Exception for black sea bass where the tail filament is not included.

PERMITS

No permit is currently required for recreational spearfishing. However, a commercial rod & reel permit allows the holder only, to catch and sell finfish (to a licensed dealer) caught by rod & reel or diving. No other gear types may be used.

Black sea bass, cod, dabs (plaice), dogfish, eel, haddock, monkfish, northern shrimp, pollock, redfish, scup, sea herring, striped bass, summer flounder (fluke), windowpane flounder, winter flounder and yellowtail flounder require a species specific endorsement to carry out lawful commercial fishing activity (see permit section for further information and a schedule of fees).

PROHIBITIONS

Snagging, Snatching or Hooking of anadromous fish: including shad, smelt, white perch, striped bass, trout and salmon, but excluding alewives or river herring is strictly prohibited

RECREATIONAL SPORTFISH LICENSE

On December 23, 2008 NOAA Fisheries released a final rule to comply with new provisions of the Magnuson-Stevens Fishery Conservation and Management Act. The final rule requires anglers and spearfishers who fish recreationally in federal ocean waters to be included in the national saltwater angler registry by January 1, 2010. NOAA had originally proposed that registration be required beginning January 1, 2009, but based on public input decided to give states another year to put in place their own data collection systems.

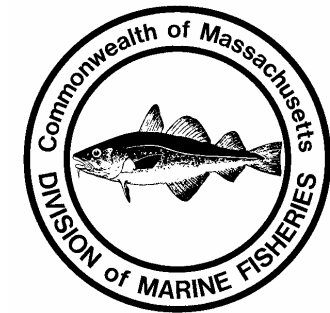
See the DMF website for updates: www.mass.gov/marinefisheries.

Division Headquarters 251 Causeway Street, Suite 400 Boston, MA 02114 (617) 626-1520	Quest Center 1213 Purchase St. New Bedford, MA 02740 (508)990-2860
Annisquam River Station 30 Emerson Ave Gloucester, MA 01930 (978) 282-0308	Martha's Vineyard P.O. Box 9 Vineyard Haven, MA 02568 (508) 693-0060
Shellfish Purification Plant Plum Island Newburyport, MA 01950 (978) 465-3553	New Bedford Field Facility 838 S. Rodney French Blvd. New Bedford, MA 02744 (508) 910-6342- Fax
Environmental Law Enforcement	
Hewitts Cove - (617) 727-0882	N.Coastal Bureau - (617)283-7764
Radio Room - (617) 626-1665	TOLL FREE - 1-800-632-8075

Commonwealth of Massachusetts

Abstract of Marine Fisheries Regulations for SCUBA Divers

as of March 2009



Paul J. Diodati, Director

Deval Patrick, Governor
Timothy Murray, Lt. Governor
Ian Bowles, EOEEA Secretary
Mary Griffin, Commissioner

This pamphlet contains abstracts of some of the laws of interest to divers who utilize Massachusetts coastal waters and are subject to change without notice. Contact DMF for current regulations www.mass.gov/marinefisheries.