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Commonwealth of Massachusetts

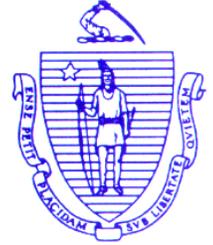
Division of Marine Fisheries

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January 29, 2019

Public Hearing Notice 2019 Omnibus Regulatory Adjustments

Under the provisions of M.G.L. c. 30A and pursuant to the authority found at M.G.L. c. 130 §§ 2, 17A, 80 and 104, the Division of Marine Fisheries (DMF) is proposing the draft regulatory amendments to 322 CMR §6.00 listed below.

1. **Striped Bass Conservation (322 CMR 6.07)**. DMF is proposing regulations to enhance striped bass conservation:
 - a. **Gaffing**. Prohibit the use of a gaff to remove or attempt to remove striped bass from the water.
 - b. **Circle Hooks**. Beginning in 2020, mandate the use of inline circle hooks by anglers fishing for striped bass with whole or cut natural baits. This circle hook mandate would not apply to any artificial lure designed to be trolled, casted and retrieved, or vertically jigged with a natural bait attached.

2. **Striped Bass Commercial Fishery Management (322 CMR 6.07)**. DMF is proposing to adjust the commercial striped bass fishery management regulations:
 - a. **Commercial Season Start Date**. Open the commercial striped bass fishery on the first open fishing day on or after June 13th. The fishery currently opens on the first commercial fishing day on or after June 23rd.
 - b. **Fin Clipping Requirement Start Date**. If the season start date is amended the rule requiring commercial fishermen to clip the right pectoral fin of any striped bass they retain while recreational fishing will go into effect three days prior to the new season start date.
 - c. **Open Fishing Days**. Maintain the two-open-fishing-day-per-week schedule, but have these open fishing days occur on Mondays and Wednesdays, rather than the current schedule of Mondays and Thursdays.
 - d. **Importation of Non-Conforming Striped Bass by Dealers**. Allow authorized seafood dealers to import non-conforming sized striped bass from other jurisdictions year-round provided the fish are tagged and lawfully harvested in the state of origin.

3. **Measures to Improve For-Hire Compliance (322 CMR 6.41)**. DMF is proposing regulations to enhance compliance with recreational fishing regulations in for-hire fisheries:
 - a. Prohibit for-hire operations from conducting commercial fishing activity while patrons are onboard, with an exception for fish taken under a federal Highly Migratory Species Permit (e.g., bluefin tuna and swordfish).
 - b. Implement a series of measures applicable only to head boats fishing for scup and black sea bass from May 1st to June 30th. This includes: (1) requiring the generation and maintenance of passenger lists; (2) issuing containers (e.g., bags and stringers) to all patrons; (3) having each container issued be identifiable to a patron on the passenger list; (4) mandating all patrons retain their fish only in the containers provided by the head boat; (5) prohibiting patrons from comingling their catch; (6) segregating scup catch in a container separate from all other species; and (7) prohibiting crew and captains working for the head boat from selling, bartering or exchanging any fish with patrons.

4. **Scup Bycatch Limit During Small Mesh Squid Fishery (322 CMR 6.27)**. In accordance with changes to federal and interstate fisheries management for scup, DMF is proposing to allow draggers fishing with small mesh (less the 5” diamond) to retain up to 2,000 pounds of scup per trip during the period of April 15th through June 15th. The current rules establish a 1,000-pound trip limit from October 1st through April 30th and a 200-pound trip limit from May 1st through September 30th.
5. **Commercial Trip Limit and Quota Management (322 CMR 6.22 and 6.41)**. DMF is proposing to strengthen commercial trip limit and quota management in the following ways:
 - a. **At-Sea Transfer of Fish**. Clarify that it is unlawful for commercial fishermen to transfer any fish at-sea that are managed by a trip limit. This will not apply to the at-sea transfer of bait fish conducted under the authority of a bait dealer permit.
 - b. **Trip Limit Exception for Transport Vessels**. Allow buy boats working on behalf of a dealer to possess multiple trip limits of all managed species provided such vessels are properly authorized by the Director, do not have fishing gear on board, and do not accept fish at-sea. This exception applies only to fluke at present.
 - c. **Initial Sale of Fish by a Commercial Fisherman**. DMF is proposing to require that the initial sale, barter or exchange of any fish from a commercial fisherman must be to a seafood dealer who is an authorized primary buyer. Commercial fishermen who are permitted as bait dealers or retail boats may continue to sell their catch to entities other than a primary buyer in accordance with the regulations governing these dealer permits.

Public Hearing Schedule

The Division of Marine Fisheries has scheduled two public hearings to take comment on these proposals. The public hearings will be held on:

6PM
February 25, 2019
Admiral’s Hall
MA Maritime Academy
101 Academy Drive
Buzzards Bay, MA 02532

6PM
February 27, 2019
DMF’s Annisquam River Station
30 Emerson Avenue
Gloucester, MA 01930

Public Comment Instructions

The Division of Marine Fisheries will also accept public comment through 5PM on Friday, March 1, 2019. Please address all written comments to Director Pierce and submit to DMF by e-mail at marine.fish@state.ma.us or by post to 251 Causeway Street, Suite 400, Boston, MA 02114.

For a copy of the strikethrough regulatory text, please visit our [website](#) or contact Jared Silva (jared.silva@state.ma.us; 617-626-1534).