



The Commonwealth of Massachusetts

Division of Marine Fisheries

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February 7, 2024

Notice of Public Hearing and Comment Period:

Proposals to Adjust Commercial Striped Bass, Summer Flounder, Whelk, Horseshoe Crab, Smooth Dogfish, Menhaden, Mackerel, Groundfish, Permitting, and Shellfish Regulations

Under the provisions of G.L. c. 30A and pursuant to the authority found at G.L. c. 130 §§ 17A, 80 and 104, the Division of Marine Fisheries (DMF) is taking public comment on a series of proposed regulatory amendments to 322 CMR 6.00, 7.00, 8.00, and 16.00. The draft regulations outlined below affect commercial fisheries for striped bass, whelk, summer flounder, horseshoe crabs, smooth dogfish, menhaden, mackerel, and groundfish; the display and transferability of commercial fishing permits; and the sanitary harvest and handling of shellfish. Full text of the regulations may be found on [DMF's website](#) along with additional relevant background information.

Public Hearing and Comment Schedule

DMF will accept written public comment through 5PM on Friday, March 8, 2023. Please submit written comments to Director Daniel McKiernan by e-mail (marine.fish@mass.gov). Additionally, DMF will host two in-person public hearings.

Wednesday, February 28, 2024
5PM
Admiral's Hall at MA Maritime
1 Academy Drive
Buzzards Bay, MA

Thursday, February 29, 2024
5PM
DMF's Annisquam River Field Station
30 Emerson Avenue
Gloucester, MA

Proposed Regulatory Amendments

Commercial Striped Bass Management (322 CMR 6.07).

1. Adjust the number and sequence of commercial striped bass open fishing days in response to a recently approved 7% reduction in the commercial striped bass quota. The preferred option is to go from a Monday/Tuesday/Wednesday open fishing day schedule to a Tuesday/Wednesday schedule.
2. Improve enforcement and compliance with trip limits and open fishing days by requiring the commercial fisher and primary buyer be present at the primary sale; require fish be tagged by the primary buyer immediately upon purchase; and explicitly prohibit the possession and sale of fish unlawfully taken in another jurisdiction.

Whelk Size at Harvest (322 CMR 6.21). Stay whelk gauge increases for a period of three years. This will delay the pending 2024 increase until 2027 and have all subsequently scheduled increases follow every three years thereafter.

Commercial Summer Flounder Trip Limits (322 CMR 6.22). In response to a 56% reduction in the annual commercial summer flounder quota:

1. Reduce the Period I (January 1 – April 22) trip limit from 10,000 pounds to 5,000 pounds.
2. Establish a trigger to automatically adjust the Period II (April 23 – December 31) trip limits based on quota use:
 - a. For net fishers, the trip limit would be reduced from 600 pounds to 400 pounds if 75% of the annual quota is caught before August 31 or increase the trip limit on September 1 to 800 pounds if more than 75% of the quota remains on August 31.
 - b. For hook fishers, the trip limit would be reduced from 400 pounds to 200 pounds if 75% of the annual quota is caught before August 31 or increase the trip limit on September 1 to 800 pounds if more than 75% of the quota remains after August 31.
 - c. Should more than 5% of the quota remain on September 1, the trip limit will be 5,000 pounds.

Horseshoe Crab Conservation and Management (322 CMR 6.34).

1. To enhance horseshoe crab conservation prohibit all harvest during the period of April 15 – June 7 to protect spawning crabs.
2. Complement existing federal harvest closures within the boundaries of the Monomoy National Wildlife Refuge and the Cape Cod National Seashore.
3. Establish a 300 horseshoe crab trip limit for all bait fishers. This trip limit may automatically increase to 400 horseshoe crabs on August 1 if more than 50% of the quota remains available after July 31 or be automatically reduced to 200 horseshoe crabs should more than 80% of the annual quota be taken before September 15.

Smooth Dogfish Trip Limit (322 CMR 6.37). To enhance quota utilization, increase the smooth dogfish trip limit from 100 pounds to 300 pounds.

Commercial Menhaden Season and Trip Limits (322 CMR 6.43). In response to recent quota utilization:

1. Open the directed commercial purse seine fishery on June 1, rather than June 15.
2. Amend triggers to automatically adjust trip limits based on quota use so that:
 - a. If 50% of the quota is taken before July 1, then the trip limit is reduced to 6,000 pounds through June 30 and then increases 25,000 pounds on July 1.
 - b. If less than 50% of the quota is harvested by September 1, then the trip limit remains at 120,000 pounds for the remainder of the year.
 - c. If more than 50% but less than 90% of the quota is harvested by September 1, then the trip limit remains at 25,000 pounds for the remainder of the year.
3. Maintain purse seining prohibitions on Fridays, Saturdays, and Sundays during any period when the trip limit is at 120,000 pounds.
4. Consider additional measures to better control user group conflicts in Boston Harbor.

State Waters Trip Limit for Atlantic Mackerel (322 CMR 6.44). To complement adjustments to federal trip limits, establish a state-waters trip limit of 5,000 pounds until 80% of the quota is taken and 2,500 pounds thereafter. Exempt from this trip limit are federally permitted vessels transiting through Massachusetts state waters for the purpose of landing fish.

Commercial Permit Display (322 CMR 7.01). Allow for the electronic display of commercial fishing permits, as these permits may now be issued and renewed through an online system.

Permit Transferability (322 CMR 7.01, 7.03, 7.06). To enhance the transferability of certain commercial fishing permits and clarify existing permit transfer standards:

1. Update the definition of the term “immediate family” to more clearly reflect modern family structures (e.g., step family, adoptive family).
2. Allow the transfer of latent Coastal Lobster Permits and regulated fishery permit endorsements to immediate family.
3. Eliminate outdated references to waiting lists for Coastal Lobster Permits.
4. Allow regulated fishery permit endorsements for black sea bass, tautog, and summer flounder to be transferred if actively fished for two out of the past five years, rather than four out of the past five years.

Commercial Groundfish (322 CMR 8.05). Reduce the spatial extent of the May commercial groundfish closure in Massachusetts Bay by moving its southern boundary from Boston (42°20’N) to Nahant (42°30’N).

Sanitary Harvest of Shellfish (322 CMR 16.00). Amend several regulations governing the sanitary harvest of shellfish in Massachusetts:

1. Clarify any icing of shellfish must use ice from a potable water source.
2. Allow the primary sale of shellfish to occur at the landing site, a wholesale dealer facility, or a municipally managed site approved by the DMF Director.
3. Adopt a state wide prohibition on the nighttime harvest of shellfish to backstop municipal rules.
4. Make clear that the most specific alpha-numeric sequence for the shellfish growing area where commercial product is harvested (including any decimals) must appear on the shellfish harvester tag.
5. Waive icing requirements for commercial oyster fishers during the *Vp* Season if icing is taken on by the wholesale dealer at the landing site provided primary purchase occurs within two hours of the time of harvest.
6. Adopt less prescriptive standards for harvester icing during the *Vp* Season requiring only that shellfish or bags of shellfish be continuously and completely covered with ice, consistent with the language in Massachusetts’ FDA-approved *Vp* Control Plan.