



The Commonwealth of Massachusetts

Division of Marine Fisheries

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May 11, 2021

2021 Statement of Permit Conditions for CAP Purse Seine Permit Endorsement

This **Statement of Permit Conditions** applies to all commercial fishermen who hold a Coastal Access Permit (CAP) or CAP-Purse Seine regulated fishery permit endorsement with the Commonwealth of Massachusetts. In accordance with 322 CMR §7.01(7), this **Statement of Permit Conditions** serves to further regulate the use of purse seine gear in the waters under the jurisdiction of the Commonwealth in order to properly conserve and manage inshore bait fisheries.

Pursuant to the authority of G.L. c. 130 § 80 and 322 CMR §7.01(7), the Director of the Division of Marine Fisheries has determined that the **Statement of Conditions** enumerated below shall apply to all CAP and CAP-Purse Seine regulated fishery permit endorsements for the 2021 calendar year.

General Provisions

1. In accordance with G.L. c. 130 §, 31, fixed gear shall be avoided.
2. In accordance with G.L. c. 130 §§, 4A and 9, and 322 CMR 7.01(13), the Director or his agent may board a vessel for the purpose of administrative inspection or sea sampling.
3. It shall be unlawful to fish with purse seine gear within the inshore restricted waters, as described at 322 CMR 4.02, unless so authorized by an inshore net permit issued in accordance with G.L. c. 130 §, 80 and 322 CMR 4.02(3) and 7.01(4).
4. Night fishing with purse seines is prohibited at 322 CMR 4.06(3). Accordingly, it is unlawful to fish with purse seines within the waters under the jurisdiction of the Commonwealth from ½ hour after sunset to ½ hour before sunrise during the period of March 1 – October 31 and from 6:00PM – 6:00 AM during the period of November 1 – the last day of February.
5. The use of purse seines larger than 450 feet by 48 feet shall be prohibited when fishing in any regulated menhaden fishery at 322 CMR 6.43(a)-(c) subject to a 6,000 pound possession and landing limit.
6. When fishing in any regulated menhaden fishery at 322 CMR 6.43(a)-(c) subject to a 6,000 pound possession and landing limit, all menhaden shall be brought aboard the vessel, and upon retention, immediately stored in level filled barrels or standard fish totes. A level fish tote shall be the equivalent of 117 pounds of menhaden and a level filled barrel shall be the equivalent of 350 pounds of menhaden.
7. This statement of permit conditions shall be onboard the named vessel when any purse seine fishing activity is occurring.
8. The use of purse seines shall be prohibited on Saturdays and Sundays within the waters under the jurisdiction of the Commonwealth.
9. The use of purse seines shall be prohibited on Memorial Day, the 4th of July and Labor Day within the waters under the jurisdiction of the Commonwealth.

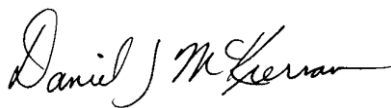
10. The use of purse seine gear also shall not occur within areas where recreational fishing activity is concentrated.
11. If a carrier vessel is utilized in the menhaden fishery, the permit holder shall not offload to that carrier vessel more than one trip limit per day, as set forth at 322 CMR 6.43(4). A carrier vessel may obtain one trip limit per day from up to two vessels lawfully permitted to fish in the quota managed menhaden fishery subject to a separate Letter of Authorization from the Director.
12. If fishing for menhaden under the authority of a limited entry menhaden regulated fishery permit endorsement the individual named on the commercial fisherman permit shall be onboard the vessel, as established at 322 CMR 7.06(5).

Reporting Requirements

1. Notwithstanding any other requirements set forth by the Director, in accordance with G.L. c. 130 §21, permit holder shall report all retained catch at a trip level on monthly reports provided by the Division of Marine Fisheries. These reports shall be submitted to the Division of Marine Fisheries by the 15th of the following month.
2. Permit holders participating in the limited entry menhaden fishery or the Episodic Event Fishery:
 - a. Shall report their menhaden landings in accordance with the menhaden daily catch reporting requirements for dealers set forth at 322 CMR 6.43(5).
 - b. Shall maintain a daily logbook onboard the vessel. This logbook shall detail the daily harvest; any and all daily sales, including those made at sea; and any and all menhaden kept for personal use.
 - c. Are authorized to offload at sea to a carrier vessel that is permitted by the Division of Marine Fisheries as a bait dealer to accept menhaden. If a carrier vessel is utilized, the carrier vessel shall report menhaden landings in accordance with menhaden daily catch dealer reporting requirements set forth at 322 CMR §6.43(5). In this case, the harvest vessel does not need to report the catch to DMF through their bait dealer permit daily reporting requirement.

The Statement of Permit Condition enforceable by law, pursuant to G.L. c. 130 §80 and 322 CMR §7.01(7). Violations of any condition or restriction herein, or any provision of 322 CMR or G.L. 130 may result in the suspension or revocation of the commercial fisherman permit and any other applicable fines and penalties. The Director may revise or discontinue the provisions set forth in this Statement of Permit Conditions any time. For more information, please contact marine.fish@mass.gov.

This Statement of Permit Condition is valid through December 31, 2021, unless sooner revoked for cause.



Daniel J. McKiernan
Director

May 11, 2021

Effective Date