



The Commonwealth of Massachusetts

Division of Marine Fisheries

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August 13, 2020

STATEMENT OF PERMIT CONDITIONS:
CONTINUATION OF THE LIMITED ENTRY COMMERCIAL MENHADEN FISHERY
AT A 25,000-POUND TRIP LIMIT UNDER THE EPISODIC EVENT SET ASIDE

The Division of Marine Fisheries (DMF) closed the 2020 limited entry commercial menhaden fishery effective August 7, 2020, after the fishery was projected to have harvested its annual commercial quota on August 6. In accordance with Amendment 3 to the Interstate Fishery Management Plan for Atlantic Menhaden, DMF applied to the Atlantic States Marine Fisheries Commission (ASMFC) to participate in the Episodic Event Set Aside (EESA) Program. On August 13, 2020, the ASMFC approved DMF's application to participate in the EESA Program. This action allows the state's 2020 limited access commercial menhaden fishery to re-open per the regulations set forth at 322 CMR 6.43(4)(c).

This Statement of Permit Conditions establishes additional controls by which the state's limited entry commercial menhaden fishery may operate within the EESA Program. Specifically, whereas the regulations at 322 CMR 6.43(4)(c) set forth that the limited entry menhaden fishery may continue at a 120,000-pound trip limit under the EESA program, DMF is establishing a more restrictive 25,000- pound trip limit through this Statement of Permit Conditions. This is being done in response to the fact that the EESA is currently limited to roughly 425,000 pounds of its initial 4.76-million pound level, and a 25,000-pound trip limit will allow for more prolonged access to this available quota.

In accordance with the authority at G.L. c. 130, §80 and 322 CMR §7.01(7), this Statement of Permit Conditions is being applied to all 2020 Limited Entry Regulated Fishery Permit Endorsements for Atlantic Menhaden. Effective Monday, August 17, 2020 all Atlantic menhaden permit endorsement holders participating in the Episodic Event Set Aside Fishery are subject to the permit conditions enumerated below:

1. All commercial fishermen fishing under the authority of a limited entry regulated fishery menhaden permit endorsement may retain, possess, and land up to 25,000 pounds of menhaden during any trip or 24-hour day, whichever period of time is longer, while participating in Massachusetts' EESA fishery. The 120,000 pound limit as set forth at 322 CMR 6.43(4)(c) shall not apply.

Except as explicitly provided herein, this Statement of Permit Conditions does not exempt the permit holder from any marine fishery laws or regulations of the Commonwealth or other existing

permit conditions set forth by DMF. This written authorization and the applicable 2020 Massachusetts' commercial fishing permit and regulated fishery permit endorsement for menhaden shall be onboard the vessel at all times while participating the EESA program.

This Statement of Permit Conditions shall remain in effect until DMF and the ASMFC project 100% of the EESA is taken and the fishery is closed, unless otherwise notified or sooner revoked for cause. The Director may amend this Statement of Permit Conditions at any time. Any amendments shall become effective upon written notice. Violation(s) of any condition or restriction as contained herein shall result in an adjudicatory hearing to suspend or revoke the commercial fisherman permit, as well as any other fines and penalties provided in G.L. c.130.



Daniel J. McKiernan, Director
Division of Marine Fisheries

August 17, 2020
Effective Date