

## 6.21: Whelk Conservation and Management

### (2) Possession of Legal Sized Knobbed and Channeled Whelks.

(a) Purpose. To increase spawning stock biomass of knobbed and channeled whelks, the legal harvest size limit for these species will be gradually increased to correspond to a size where 50% of female knobbed and channeled whelks are sexually mature. The asymmetry of these animals and the propensity for their siphonal canals to break during handling limits the effectiveness of managing harvest with a traditional shell width or shell length minimum size standards. Consequently, legal sized knobbed and channeled whelks shall be determined through the use of a chute gauge meeting the specifications and by applying the methodology in 322 CMR 6.21(2)(b) and (c) respectively.

(b) Minimum Chute Gauge Width and Chute Gauge Specifications. The chute gauge used to determine the legal size for knobbed and channeled whelks shall measure at least ~~2 7/8" internal width, by~~ 6" length and by 1 1/2" height. **The internal width of the chute gauge shall be: 3" for 2019 and 2020; 3 1/8" for 2021 and 2022; 3 1/4" for 2023 and 2024; 3 3/8" for 2025 and 2026; 3 1/2" for 2027 and 2028; and 3 5/8" for 2029 and beyond.** No person shall modify the specified chute gauge in any manner that may affect the gauging of knobbed or channeled whelks. It shall be prima facie evidence of a violation of 322 CMR 6.21(2)(c) if a commercial fisherman is not in possession of a chute gauge meeting these minimum specifications when fishing for or in possession of knobbed or channeled whelks.

(c) Methodology of Determining Legal Sized Whelk with the Chute Gauge. Knobbed and channeled whelks shall be oriented to the chute gauge with its operculum facing down and laying as flat on the chute gauge as possible. A knobbed or channeled whelk shall be unlawful to take or possess if it can pass through the chute gauge in this required orientation with its siphonal canal at any angle to the side walls of the gauge. The required orientation of the knobbed or channeled whelk to the chute gauge is depicted in the image below:



1. Exemptions for Dealers. Notwithstanding the requirements of 322 CMR 6.21(2)(c), a dealer permitted in accordance with 322 CMR 7.01(3) may obtain, possess and process knobbed and channeled whelks that are not legal sized if such knobbed or

channeled whelks were lawfully harvested in the jurisdiction of another state. All containers of such knobbed and channeled whelks shall bear a shellfish tag, as required by M.G.L. c. 130 §§81 and 82.

(d) Tagging of Knobbed and Channeled Whelks by Commercial Fishermen. Because knobbed and channeled whelks are shellfish as defined in G.L. c. 130 §2, commercial fishermen who retain such whelks harvested in accordance with the requirements of 322 CMR 6.21(2)(c) shall place them in containers that bear a shellfish harvester tag as required by 322 CMR **16.00** ~~16.03~~.

(e) Prohibitions. Except as provided in 322 CMR 6.21(2)(c)1., it shall be unlawful for:

1. any person to possess a knobbed or channeled whelk that is less than the legal size as determined in accordance with 322 CMR 6.21(2)(b) and(c) for longer than it is necessary for immediate measurement and return to the sea.
2. any person—to modify the chute gauge specified in 322 CMR 6.21(2)(b) in any manner that may affect the method of measurement of knobbed and channeled whelks.
3. any person to manipulate the orientation of a knobbed or channeled whelk to the chute gauge so that it is measured in a manner other than the method of measurement prescribed at 322 CMR 6.21(2)(c).
4. any commercial fisherman to not possess on their vessel a chute gauge meeting the specifications in 322 CMR 6.21(2)(b) when fishing for or in possession of knobbed or channeled whelk.
5. to possess any knobbed or channeled whelk in a condition other than whole in-shell, except by a dealer licensed in accordance with 322 CMR 7.01(3) .
6. to process whelks at any location other than at a facility of a dealer licensed in accordance with 322 CMR 7.01(3) for that purpose.