

2026 Omnibus Draft Marine Fishery Strikethrough Regulations

322 CMR 4.06 – Use of Mobile Gear

(5) Exempted Small Mesh Trawl Fisheries. To authorize commercial trawl fishermen to seasonally target valuable finfish species that cannot be caught in commercially viable quantities without the use of small mesh trawls, the following exemptions to 322 CMR 4.06(4) apply.

(a) Small Mesh Trawl Squid Fishery. It shall be lawful to fish with small mesh trawls for squid in accordance with the following requirements:

1. Permitting. The vessel holds a Coastal Access Permit ~~further endorsed for Small Mesh Trawl Squid~~, issued in accordance with M.G.L. c. 130, § 80, and 322 CMR 7.01(4)(a): Regulated Fishery Permit Endorsement.

(b) Area 1A and Upper Cape Cod Raised Foot Rope Trawl Fisheries for Whiting Fishery. It shall be lawful to fish with small mesh raised footrope trawls for whiting in accordance with the following requirements:

1. Permitting. ~~The vessel holds a Coastal Access Permit issued in accordance with M.G.L. c. 130, § 80, and 322 CMR 7.01(4)(a): Regulated Fishery Permit Endorsement.~~

~~a. Area 1A Exempted Whiting Fishery. The vessel holds a Coastal Access Permit further endorsed for Small Mesh Trawl Whiting and North Shore Mobile Gear, issued in accordance with M.G.L. c. 130, § 80, and 322 CMR 7.01(4)(a).~~

~~b. Upper Cape Cod Whiting Fishery. The vessel holds a Coastal Access Permit further endorsed for Small Mesh Trawl Whiting, issued in accordance with M.G.L. c. 130, § 80, and 322 CMR 7.01(4)(a).~~

(6) Sea Scallop Dredge Gear.

(a) Dredge Width. It shall be unlawful to possess a sea scallop dredge or retain sea scallops caught by a dredge whereby the dredge or a combination of dredges has an effective fishing width greater than **10 feet six inches** ~~ten feet~~ while fishing within the waters under the jurisdiction of the Commonwealth.

322 CMR 6.18 – Bluefish Limits

(1) Recreational Bag Limit. It shall be unlawful for any recreational fishermen:

- (a) fishing from shore or a private vessel to retain, land or possess more than **five** **three** bluefish per calendar day, and
- (b) fishing from a for-hire vessel during a for-hire trip to retain, land or possess more than **seven** **five** bluefish per calendar day.

322 CMR 6.22 – Summer Flounder (Fluke) Restrictions

(2) Commercial Fishery.

(a) Minimum Size. It shall be unlawful for any commercial fisher to retain, possess, or land summer flounder less than 14 inches in total length.

(b) Seasonal Quota Allocations. Annually, the quota shall be **allocated between the Period I fishery and the Period II fishery. In accordance with 322 CMR 6.22(2)(b)(1) and (2), the allocation shall be set annually based on the magnitude of the quota.** ~~split with a target allocation of 15% to the Period I fishery and 85% allocated to the Period II fishery.~~ Any unused portion of the quota from Period I may be re-allocated to Period II. Overharvest of either period allocation may be deducted from the corresponding period in the following year.

1. If the quota is 750,000 pounds or greater, the Period I fishery shall be allocated 30% of the quota and the Period II fishery shall be allocated 70% of the quota.

2. If the quota is less than 750,000 pounds, the Period I fishery shall be allocated 15% of the quota and the Period II fishery shall be allocated 85% of the quota.

(c) Period I (January 1st through April 22nd). **In accordance with 322 CMR 6.22(2)(c)(1) – (3),** during the period of January 1 – April 22, the summer flounder trip limit shall be set based on the magnitude of quota available for the calendar year and the utilization of the annual Period I quota allocation as set forth at 322 CMR 6.22(2)(b).

1. If the quota is 750,000 pounds or greater, the initial trip limit for all commercial fishers shall be 5,000 pounds. ~~From January 1st through April 22nd, or until DMF determines 15% of the quota has been reached, whichever occurs sooner, the trip limit for any commercial fisher shall be 2,000 pounds.~~

2. If the quota is less than 750,000 pounds, the initial trip limit for all commercial fishers shall be 2,000 pounds.

3. ~~2. Should Once~~ DMF determines that the Period I quota allocation, as set forth at 322 CMR 6.22(2)(b) ~~15% of the quota~~ has been reached on or before April 22, the trip limit for all ~~any~~ commercial fishers shall be 100 pounds. **This trip limit shall become effective on the calendar day immediately following the determination.**

4. ~~3.~~ Annual Authorization of Multi-State Program and Exception to Trip Limit. Subject to an annual authorization from the Director, vessels landing in Massachusetts may possess summer flounder in quantities exceeding the limits at 322 CMR 6.22(2)(c)(1) – (3) ~~(2)~~, provided the non-conforming fish is to be landed in another state, is clearly labeled identifying the state it is to be landed in, and it remains on the vessel while the Massachusetts limit is being landed.

(d) Period II (April 23rd through December 31st).

1. **Trip Limits for Commercial Fishers Using Nets** ~~Commercial Fishing with Nets from April 23rd through September 30th. During the period of April 23rd through September 30th, From April 23rd through September 30th, the initial the~~ trip limit for any commercial fisher using nets shall be ~~600~~ ~~500~~ pounds. **In accordance with 322 CMR 6.22(2)(d)(1)(a) – (c), this trip limit may be adjusted in season based on quota utilization:**

- a. Should DMF determine that 75% of the ~~annual~~ quota is taken on or before August 15th, then the trip limit for any commercial fisher using nets shall be reduced to 400 pounds. **This trip limit shall become effective on the calendar day immediately following the determination.**
- b. Should DMF determine that 90% of the ~~annual~~ quota is taken on or before September 1st, then the trip limit for any commercial fishers using nets shall be reduced to 200 pounds. **This trip limit shall become effective on the calendar day immediately following the determination.**
- c. ~~If on September 1st, DMF determines that less than 80% of the annual quota is taken, Should DMF determine that more than 20% of the quota will remain available after August 31st, then the trip limit for any commercial fisher using nets shall be increased to 800 pounds effective September 1st.~~
- ~~d. During the period of April 23rd through August 31st, it shall be unlawful for a commercial fisher using nets to retain, possess, or land any summer flounder in the Commonwealth of Massachusetts on Saturdays. This shall not apply to vessels fishing during the small mesh squid trawl season, as set forth at~~

~~322 CMR 6.29, who may retain a 100-pound incidental catch limit of summer flounder in accordance with this section.~~

2. Trip Limits for Commercial Fishers Using Commercial Fishing with Hook and Line Gear from April 23rd through September 30th. During the period of April 23rd through September 30th, the initial trip limit for a commercial fisher using hook and line gear shall be 600 pounds. In accordance with 322 CMR 6.22(2)(d)(2)(a) – (c), this trip limit may be adjusted in season based on quota utilization:

- a. ~~From April 23rd through September 30th, the trip limit for a commercial fisher using hook and line gear shall be 400-325 pounds.~~
- a. b. Should DMF determine that 75% of the ~~annual~~ quota is taken on or before August 15th, then the trip limit for a commercial fisher using hook and line gear shall be reduced to 200 pounds. **This trip limit shall become effective on the calendar day immediately following the determination.**
- b. c. Should DMF determine that 90% of the ~~annual~~ quota is taken on or before September 1st, then the trip limit for commercial fishers using hook and line gear shall be reduced to 200 pounds. **This trip limit shall become effective on the calendar day immediately following the determination.**
- c. d. ~~If on September 1st, DMF determines that less than 80% of the annual quota is taken, Should DMF determine that more than 20% of the quota remains on August 31st, then the trip limit for a commercial fisher using hook and line gear shall be increased to 800 pounds effective September 1st.~~
- e. ~~During the period of April 23rd through August 31st, it shall be unlawful for a commercial fisher using hook and line gear to retain, possess, or land any summer flounder in the Commonwealth of Massachusetts on Saturdays.~~

3. Trip Limits for Commercial Fishers All Gear from October 1st through December 31st. In accordance with 322 CMR 6.22(2)(d)(3)(a) and (b), during the period of October 1 through December 31, the summer flounder trip limit shall be set based on the utilization of the annual quota through September 30th. ~~Provided DMF determines more than 10%~~

~~of the quota remains available on October 1st, from October 1st through December 31st, the trip limit for any commercial fisher, regardless of gear type used, shall be 5,000 pounds. If DMF determines 10% of the quota or less remains on October 1st, the trip limit for any commercial fisher, regardless of gear type used, shall be 800 pounds.~~

~~Subject to an annual authorization from the Director, vessels landing in Massachusetts may possess summer flounder in quantities exceeding the limits in 322 CMR 6.22(2)(d)(3), provided the non-conforming fish is to be landed in another state, is clearly labeled identifying the state it is to be landed in, and it remains on the vessel while the Massachusetts limit is being landed.~~

- a. Should DMF determine less than 10% of the quota remains on September 30th, then the trip limit for all commercial fishers shall be 800 pounds effective October 1st.
- b. Should DMF determine that 10% or more of the quota will remain available after September 30th, then the trip limit for all commercial fishers shall be 3,500 pounds.
- c. Annual Authorization of Multi-State Program and Exception to Trip Limit. Subject to an annual authorization from the Director, vessels landing in Massachusetts may possess summer flounder in quantities exceeding the limits in 322 CMR 6.22(2)(d)(3), provided the non-conforming fish is to be landed in another state, is clearly labeled identifying the state it is to be landed in, and it remains on the vessel while the Massachusetts limit is being landed.

322 CMR 6.27 Scup Fishery Management

(1) Definitions.

Commercial Fishermen means any person fishing under the authority of a permit issued in accordance 322 CMR 7.01(2): *Commercial Fisherman Permits* for the purposes of sale, barter, or exchange, or to keep for personal use or family use any fish or shellfish caught under the authority of the commercial fisherman permit.

~~**Commercial Scup Quota means the allowable annual Massachusetts commercial harvest of scup pursuant to the ASMFC Interstate Scup, Black Sea Bass and Summer Flounder Management Plan.**~~

Dealer means any wholesale or retail seafood dealer permitted by the Director pursuant to M.G.L. c. 130, § 80, and 322 CMR 7.01(3): *Dealer Permits*.

Director means the Director of the Division of Marine Fisheries.

For-hire Vessel means any vessel that holds a for-hire permit, issued in accordance with M.G.L. c. 130, § 17C, and 322 CMR 7.10(5): *Permit Requirements Applicable to For-hire Vessels*, that is carrying paying customers for the purpose of recreational fishing.

Quota means the Commonwealth's share of the annual commercial scup quota adopted by the Atlantic States Marine Fisheries Commission.

Recreational Fishermen means any person who harvesters or attempts to harvest fish for personal or family use, sport or pleasure, and which are not sold, bartered or exchanged.

Scup means that species of fish known as *Stenotomus chrysops*.

Scup Pot means any pot or trap that has six sides and at least two unobstructed escape vents or openings in the parlor section that are at least $3\frac{1}{10}$ inches in diameter or $2\frac{1}{4}$ inches square, and is set on the bottom of the ocean and designed to capture scup.

Total Length means the greatest straight line length, in inches, measured on a fish with its mouth closed from the anterior most tip of the jaw or snout to the farthest extremity of the tail. For fish with a forked tail, the upper and lower fork may be squeezed together to measure the tail extremity.

(1) Commercial Fishery Management.

(a) Permit Requirements. A regulated fishery permit endorsement, issued by the Director pursuant to 322 CMR 7.01(4)(a): *Regulated Fishery Permit Endorsement*, is required to sell scup, or to fish for, retain, possess or land scup in accordance with scup commercial fishery regulations at 322 CMR 6.27(2).

(b) Minimum Size. It is unlawful for any commercial fisherman or dealer to possess scup less than nine inches in total length.

(c) Winter I and Winter II Fishery. During the Winter I period of January 1st through April 30th and the Winter II period of October 1st through December 31st, it shall be unlawful for any vessel fishing within the waters under the jurisdiction of the Commonwealth to possess, retain, or land more than 2,000 pounds of scup per trip, or per calendar day. Vessels with federal permits allowing the taking of scup from federal waters, may exceed this state limit, provided:

1. the scup were lawfully taken while fishing in federal waters;
2. the vessel is transiting through the waters under the jurisdiction of the Commonwealth and makes no stops, except to land fish in a Massachusetts port, unless otherwise directed to do so by authorized law enforcement personnel, without limitation the Office of Law Enforcement and the United States Coast Guard;
3. all fishing gear is out of the water and properly stowed onboard the vessel; and
4. the vessel, crew, gear, and catch are otherwise in compliance with all applicable federal regulations

(d) Summertime Fishery. The summertime fishery occurs during the period of May 1st through September 30th and is subject to the **Commonwealth's** commercial scup quota. **This quota The commercial scup quota** is managed through gear type specific trip limits, seasons and fishing days.

1. Weirs. During this period commercial **fishers fishermen**, permitted in accordance with 322 CMR 7.01(4)(a): *Regulated Fishery Permit Endorsement* to operate a fish weir, shall not be subject to daily possession limits or closed commercial fishing days for scup caught in fish weirs. The weir fishery shall close when the aggregate landings among all permitted weir **fishers fishermen** reach 300,000 pounds of scup.
2. Trawlers. During this period, commercial **fishers fishermen**, permitted in accordance with 322 CMR 7.01(4)(a): *Regulated Fishery Permit Endorsement* to fish for scup with trawl gear may **retain, fish for, possess,** and land scup seven days per week. Trawlers shall not land more than 10,000 pounds of scup per calendar week or possess more than 10,000 pounds of

scup at any one time. The calendar week shall begin on Sunday at 12:01 A.M. and end on the following Saturday at 11:59 P.M.

3. All Other Gear Types. Commercial **fishers fishermen**, permitted in accordance with 322 CMR 7.01(4)(a): *Regulated Fishery Permit Endorsement* to fish for scup with any other gear type including, but not limited to, hook and line and scup pots, are subject to the following seasonal limits:

- a. May 1st through June 30th May 31st. During this period, these commercial **fishers fishermen** may **retain, fish for, possess, and land** scup Sundays through Thursdays and shall not **retain, possess, or land** more than 800 pounds of scup per calendar day or per fishing trip, whichever period is longer. The **retention, possession, and landing** of scup is prohibited on Fridays and Saturdays.
- ~~b. June 1st through June 30th. During this period, these commercial fishermen may fish for, possess and land scup on Sundays, Tuesdays and Wednesdays and shall not possess or land more than 400 pounds of scup per calendar day or per fishing trip. The possession and landing of scup is prohibited on Mondays, Thursdays, Fridays and Saturdays.~~
- c. July 1st through September 30th. During this period, these commercial **fishers fishermen** may **retain, fish for, possess and land** scup seven days per week and shall not **retain, possess, or land** more than 1,500 pounds of scup per calendar day or per fishing trip.

4. Quota Closure. It shall be unlawful for commercial **fishers fishermen** to **retain, possess, or land** ~~land or possess~~ scup once the Director has determined that 100% of the annual commercial scup quota has been reached. The quota closure will be enacted and announced in accordance with the procedure set forth at 322 CMR 6.41(2)(c).

(e) Trip Limit Restrictions on Trawl Vessels. Notwithstanding the state waters trawl mesh minimum size restrictions at 322 CMR 4.06: *Use of Mobile Gear*, vessels using trawls shall not possess more than 1,000 pounds of scup from October 1st through April 14th, more than 2,000 pounds of scup from April 15th through June 15th, nor more than 200 pounds of scup from June 16th through September 30th, unless fishing with nets that have a minimum mesh size of five inches diamond applied throughout

the cod end of the net for at least 75 continuous meshes forward of the terminus of the net and all other nets are stowed and not available for immediate use.

322 CMR 6.28 – Black Sea Bass Fishery Management

(1) Definitions.

Black Sea Bass means that species of fish known as *Centropristes striata*.

Black Sea Bass Pot means any pot or trap that has six sides and at least two unobstructed escape vents or openings in the parlor section that are at least 2 $\frac{1}{2}$ inches diameter, two inches square or 1 $\frac{3}{8}$ inches by 5 $\frac{3}{4}$ inches, and is set on the bottom of the ocean and designed to capture black sea bass.

Black Sea Bass Pot Regulated Fishery Endorsement means those limited entry regulated fishery permit endorsements, issued and managed pursuant to M.G.L. c. 130, §§ 2 and 80, and 322 CMR 7.01(4)(a): *Regulated Fishery Permit Endorsement* and 322 CMR 7.06: *Transfer of Limited Entry Permits*, that authorize a named individual to use black sea bass pots for the taking of black sea bass for commercial purposes.

Black Sea Bass Regulated Fishery Endorsement means those limited entry regulated fishery permit endorsements, issued and managed pursuant to M.G.L. c. 130, §§ 2 and 80, and 322 CMR 7.01(4)(a): *Regulated Fishery Permit Endorsement* and 322 CMR 7.06: *Transfer of Limited Entry Permits*, that authorize a named individual to harvest, possess and land black sea bass for commercial purposes.

Commercial Fishermen means any person fishing under the authority of a permit issued in accordance 322 CMR 7.01(2) *Commercial Fisherman Permits* for the purposes of sale, barter, or exchange, or to keep for personal use or family use any fish or shellfish caught under the authority of the commercial fisherman permit.

Commercial Black Sea Bass Quota means the allowable annual Massachusetts commercial harvest of black sea bass pursuant to the ASMFC Interstate Scup, Black Sea Bass and Summer Flounder Management Plan.

Dealer means any wholesale or retail seafood dealer permitted by the Director pursuant to M.G.L. c. 130, § 80 and 322 CMR 7.01(3): *Dealer Permits*.

Director means the Director of the Division of Marine Fisheries.

For-hire Vessel means any vessel that holds a for-hire permit, issued in accordance with M.G.L. c. 130, § 17C and 322 CMR 7.10(5): *Permit Requirements Applicable to For-hire Vessels*, that is carrying paying customers for the purpose of recreational fishing.

Mobile Gear means any moveable or encircling fishing gear or nets which are towed, hauled, or dragged through the water for the harvest of fish including, but not limited to,

pair trawls, otter trawls, beam trawls, mid-water trawls, Scottish seines, Danish seines, pair seines, purse seines or shellfish dredges.

Quota means the Commonwealth's share of the annual commercial black sea bass quota adopted by the Atlantic States Marine Fisheries Commission.

Recreational Fishermen means any person who harvesters or attempts to harvest fish for personal or family use, sport or pleasure, and which are not sold, bartered or exchanged.

Total Length means the greatest straight line length, in inches, measured on a fish with its mouth closed from the anterior most tip of the jaw or snout to the farthest extremity of the tail. For fish with a forked tail, the upper and lower fork may be squeezed together to measure the tail extremity.

Trawl means any mobile fishing gear or nets which are towed, hauled, or dragged through the water for the harvest of fish including, but not limited to, otter trawls, beam trawls, and pair trawls.

Trip Limit means the maximum lawful amount of black sea bass that a commercial fisher may retain, possess, or land within the waters under the jurisdiction of the Commonwealth or sell, barter or exchange or offer for sale, barter, or exchange. Trip limits apply by per trip or per calendar day, whichever period of time is longer and are applied to the vessel named on the commercial fishing permit regardless of the number of commercial fishing permits or letters of authorization carried on board the vessel.

(2) Commercial Fishery Management.

(a) Permit Requirements. A regulated fishery black sea bass permit endorsement or black sea bass pot permit endorsement, issued by the Director pursuant to 322 CMR 7.01(4)(a): *Regulated Fishery Permit Endorsement*, is required to sell, barter, or exchange black sea bass or to fish for, retain, possess or land black sea bass in accordance with the black sea bass commercial fishery regulations at 322 CMR 6.28(2).

(b) Minimum Size. It shall be ~~is~~ unlawful for any commercial fisher ~~fisherman~~ or dealer to possess black sea bass less than 12 inches in total length, not including the tail tendril.

(c) Trip Limits and Open Fishing Days. ~~Possession and Landing Limits.~~ It shall be unlawful for any commercial fisherman to retain, possess, land or sell, barter, or exchange black sea bass ~~within the waters under the jurisdiction of the Commonwealth~~, except as authorized at 322 CMR 6.28(2)(c)(1) – (4):

~~1. Winter Catch Allowance. From January 1st through March 31st, it shall be unlawful for a commercial fisherman to possess or land more than 100 pounds of black sea bass.~~

~~1. Fish Weir Set-Aside. 2. Weirs.~~ From April 1st through December 31st, commercial ~~fishers~~ ~~fisherman~~ permitted in accordance with 322 CMR 7.01(4)(a): *Regulated Fishery Permit Endorsement* to operate a fish weir, shall not be subject ~~trip limits to daily possession limits~~ or closed commercial fishing days for black sea bass caught in fish weirs. The weir fishery shall close when all permitted weir ~~fishers~~ ~~fishermen~~ have combined to land 24,000 pounds of black sea bass. ~~or the commercial black sea bass quota is taken and the fishery is closed in accordance with 322 CMR 6.28(2)(c)6.~~

~~2. 3. Black Sea Bass Bycatch Allowance for Trawlers. Beginning on April 23rd, commercial fishermen~~ The trip limit for commercial fishers using trawl gear shall be 100 pounds. ~~using trawl gear may retain, possess, or land up to 100 pounds of black sea bass during any calendar day or trip, whichever period of time is longer.~~

~~3. 4. Summertime Black Sea Bass Pot Fishery.~~

~~a. Trip Limit. Beginning~~ Except as authorized at 322 CMR 6.28(2)(c)(3)(b), beginning on July 1st, the trip limit for ~~it shall be unlawful for~~ commercial ~~fishers~~ ~~fishermen~~ permitted to fish black sea bass pots ~~to retain, posses, and land more than~~ shall be 500 pounds ~~of black sea bass taken by black sea bass pots during any calendar day or trip, whichever period of time is longer.~~

~~b. Quota Based In-Season Trip Limit Increase. Should DMF determine that more than 15% of the quota will remain available after August 31st, the trip limit for commercial fishers permitted to fish black sea bass pots shall be increased to 600 pounds effective September 1st. Provided DMF projects more than remains available on September 15th, during the period of September 15th through December 31st, it shall be unlawful for commercial fishermen to permitted to fish black sea bass pots to retain, possess, or land more than 600 pounds of black sea bass taken by black sea bass pot during any calendar day or trip, whichever period of time is longer. If DMF projects 15% of the~~

~~quota or less remains on September 15th, the limits provided at 322 CMR 6.28(2)(c) 4.a. shall apply.~~

c. **Fishing Days (July 1 – August 31st)**. During the period of July 1st through ~~August 31st September 14th~~, ~~it shall be unlawful for~~ commercial ~~fishers~~ **fishermen** using black sea bass pots ~~may to~~ retain, possess, ~~or~~ land, and sell black sea bass ~~on Sundays, Mondays, Tuesdays, Wednesdays, and Thursdays. It shall be unlawful to conduct such activities~~ on Fridays and Saturdays.

d. **Fishing Days (September 1 – December 31)**. Beginning on ~~September 1st, September 15th~~, commercial ~~fishers~~ **fishermen** using black sea bass pots may retain, possess, and land black sea bass seven days per week.

4. 5. Other Gear Types.

a. **Trip Limit. Beginning** Except as authorized at 322 CMR 6.28(2)(c)(4)(b), beginning on July 1st, ~~the trip limit it shall be unlawful for~~ commercial ~~fishers~~ **fishermen** using all other authorized gear types, including but not limited to hook and line, ~~to retain, possess, and land more than shall be 250 pounds of black sea bass caught during any calendar day or trip, whichever period of time is longer.~~

b. **Quota Based In-Season Trip Limit Increase.** Should DMF determine that more than 15% of the quota will remain available after August 31st, the trip limit for commercial fishers using all other authorized gear types, including but not limited to hook and line, shall be 300 pounds effective September 1st.

~~Provided DMF projects more than 15% of the quota remains on September 15th, during the period of September 15th, through December 31st, it shall be unlawful for commercial fishers fishermen using all other authorized gear types, including but not limited to hook and line, to retain, possess, or land more than 300 pounds of black sea bass caught during any calendar day or trip, whichever period of time is longer. If DMF projects 15% of the quota or less remains September 15th, the limits provided at 322 CMR 6.28(2)(c) 5.a. shall apply.~~

c. **Fishing Days (July 1 – August 31st)**. During the period of July 1st through ~~August 31st September 14th~~, ~~it shall be unlawful for~~ commercial **fishers fishermen** using all other authorized gear types, including but not limited to hook and line, ~~may to~~ retain, possess, ~~or~~ land, ~~and sell~~ black sea bass ~~on Sundays, Mondays, Tuesdays, Wednesdays, and Thursdays. It shall be unlawful to conduct such activities~~ on Fridays and Saturdays.

d. **Fishing Days (September 1 – December 31)**. Beginning ~~September 1st, September 15th~~, commercial **fishers fishermen** using all other authorized gear types, including but not limited to hook and line, may retain, possess, and land black sea bass seven days per week.

e. The regulations set forth at 322 CMR 6.28(2)(c)(4) ~~5~~ shall not apply to **lawfully permitted** commercial **fishers fishermen** fishing with weirs, trawls, and black sea bass pots regulated pursuant to 322 CMR 6.28(2)(c)(1) – (3). ~~2. through 4.~~

5. **6. Quota Closure**. It shall be unlawful for commercial **fishers fishermen** to possess or land black sea bass once the Director has determined that 100% of the ~~annual commercial black sea bass~~ quota has been reached. The quota closure will be enacted and announced in accordance with the procedure set forth at 322 CMR 6.41(2)(c).

322 CMR 6.34 – Horseshoe Crab Management

(4) Bait Fishery Management.

(a) Commercial Bait Fishery Quota. The annual bait fishery quota shall be **100,000** **140,000** horseshoe crabs.

(5) Biomedical Fishery for Horseshoe Crabs.

(a) Biomedical Processor Quota. The biomedical processor quota shall be **280,000** **200,000** crabs annually. This shall be divided equally between all entities permitted as biomedical processors, in accordance with 322 CMR 7.01(3). Only horseshoe crabs processed by biomedical processors and harvested from within the waters under the jurisdiction of the Commonwealth exclusively by biomedical harvesters for biomedical purposes shall be counted against the biomedical processor quota. The biomedical processor quota shall not include any horseshoe crabs borrowed from a bait dealer for processing or horseshoe crabs imported into the Commonwealth from another jurisdiction.

322 CMR 7.01 – Form, Use, and Contents of Permits

(4) Special Permits. The following special permits may be issued by the Director for the following activities:

(a) Regulated Fishery Permit Endorsement. In accordance with M.G.L. c. 130, §§ 2 and 80, regulated fishery permit endorsements may be added to commercial fishing permits, issued pursuant to 322 CMR 7.01(2), to authorize the named individual and/or commercial fishing vessel to retain, possess, or land fish or shellfish or use certain fishing gear in a commercial fishery regulated pursuant to M.G.L. c. 130, § 17A.

1. Open Access Regulated Fishery Permit Endorsements. The following regulated fishery permit endorsements may be added to commercial fishing permits, issued in accordance with 322 CMR 7.01(2), and shall be required:

~~j. Sea Scallop Shucking. For a named individual or vessel to shuck sea scallops at sea for commercial or non-commercial purposes.~~

~~j. k. Sea Urchin Diving. For a named individual to commercially fish for sea urchins by hand within the waters under the jurisdiction of the Commonwealth, or to retain, possess, or land sea urchins for commercial purposes that were taken by hand in the Commonwealth.~~

~~k. l. Sea Urchin Dredge. For a named individual or vessel to operate a sea urchin dredge in the waters under the jurisdiction of the Commonwealth or to retain, possess, or land any sea urchins taken by a sea urchin dredge from the waters under the jurisdiction of the Commonwealth.~~

~~l. m. Scup. For a named individual or vessel to commercially fish for scup within the waters under the jurisdiction of the Commonwealth or retain, possess, or land scup for commercial purposes in the Commonwealth.~~

~~m. n. Spiny Dogfish. For a named individual or vessel to commercially fish for spiny dogfish within the waters under the jurisdiction of the Commonwealth, or to retain, possess, or land spiny dogfish for commercial purposes in the Commonwealth.~~

~~n. o. Surface Gillnet. For named individual or vessel to set or fish a gillnet - anchored, drifting or otherwise - that is designed to be, capable of being or is fished in the upper $\frac{2}{3}$ of the water column. This~~

regulated fishery permit endorsement is not required for the use of a surface gillnet that measures less than 250 square feet. A named individual or vessel that holds a sink gillnet regulated fishery permit endorsement shall not also hold a surface gillnet regulated fishery permit endorsement to fish surface gillnets that exceed 250 square feet.

2. Limited Entry Regulated Fishery Permit Endorsements. Commercial fishing permits, issued in accordance with 322 CMR 7.01(2), may be endorsed with the following regulated fishery permit endorsements. Pursuant to the authority at M.G.L. c. 130, § 2, the following regulated fishery permit endorsements are limited entry and may only be renewed and transferred subject to the provisions set forth at 322 CMR 7.06. These regulated fishery permit endorsements are required for the following:

- d. Coastal Access Permit. For a named individual or vessel to set, operate, or fish with mobile gear within the waters of the jurisdiction of the Commonwealth. ~~Coastal Access Permits may be further endorsed for participation in exempted fisheries authorized at 322 CMR 4.06: Use of Mobile Gear:~~
 - i. ~~Small Mesh Trawl Fishery for Whiting. A Coastal Access regulated fishery permit endorsement may be further endorsed for the use and possession of small mesh trawls to commercially fish for whiting within certain waters under the jurisdiction of the Commonwealth.~~
 - ii. ~~Small Mesh Trawl Fishery for Longfin Squid. A Coastal Access regulated fishery permit endorsement may be further endorsed for the use and possession of small mesh trawls to commercially fish for squid within certain waters under the jurisdiction of the Commonwealth.~~
 - iii. ~~North Shore Mobile Gear. A Coastal Access regulated fishery permit endorsement may be further endorsed to fish with mobile gear within the Area 1A and 1B exemptions to the North Shore Year Round Mobile Gear Closure.~~

322 CMR 7.03 – Coastal Lobster Permit and Trap Allocation Transfer Program

(8) **Reserved** **Surrender of Coastal Lobster Permit in Exchange for Offshore Lobster Permit.** In accordance with 322 CMR 7.08(3)(a), commercial fishers who hold a Coastal Lobster Permit authorizing the use of trap gear in conjunction with a federal limited access lobster permit authorizing the use of trap gear may permanently relinquish their Coastal Lobster Permit to the Division in exchange for an Offshore Lobster Permit. In such instances, the annual trap tags, issued in accordance with 322 CMR 6.31, shall be affected by voiding the dual-state federal (MA-EEZ) trap tags issued for the Coastal Lobster Permit and requiring new trap federal only (EEZ-Only) trap tags be acquired and affixed to the trap bridge or central cross-member of all traps being fished.

322 CMR 7.08 Offshore Lobster Permit Control Date, Moratorium, and Transfers

(3) Moratorium. After February 6, 2003, the Director may not issue new offshore lobster permits for the purpose of landing lobsters taken with traps from federal waters. The Director shall renew all existing Offshore Commercial Lobster Permits in accordance with M.G.L. c. 130, § 38B, and 322 CMR 7.01(2)(b), provided that catch reports and renewal applications are received by February 28th and the renewal process, including late renewals approved for sufficient cause, is completed prior to December 31st of any year. **Exception:**

~~Holders of federal permits authorized to fish traps in Lobster Conservation~~

~~Management Area 2 and 3 may apply to the Director for a new offshore landing permit.~~

~~The Director may issue the permit if it is determined to result in no increased trap fishing effort in waters adjacent to Massachusetts.~~

(a) Exception for Coastal Lobster Permit Holders with Federal Lobster Trap Permit. Commercial fishers who hold a Coastal Lobster Permit in conjunction with a federal limited access lobster permit authorizing the use of trap gear may permanently relinquish their Coastal Lobster Permit to the Division in exchange for an Offshore Lobster Permit. In such instances, the vessel named on the newly issued Offshore Lobster Permit shall match the vessel the federal limited access lobster permit for trap gear is issued to. Further, the annual trap tags, issued in accordance with 322 CMR 6.31, shall be affected by voiding the dual-state federal (MA-EEZ) trap tags issued for the Coastal Lobster Permit and requiring new trap federal only (EEZ-Only) trap tags be acquired and affixed to the trap bridge or central cross-member of all traps being fished. The Division may deny such a permit exchange if it is determined that the exchange will result in an increase to the total number of traps authorized for use in a Lobster Conservation Management Area.

(b) Exception for Lobster Conservation Management Areas 2 and 3. Commercial fishers who hold a federal limited access lobster permit authorizing the use of trap gear in Lobster Conservation Management Areas 2 and 3 may apply to the Division for a new Offshore Lobster Permit and the Division may issue such a permit if it is determined to result in no increased trap fishing effort in waters adjacent to Massachusetts.